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# JOURNAL *of* LIBERTY *and* INTERNATIONAL AFFAIRS

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# THE IMPACT OF COLLECTIVE MEMORY ON THAILAND'S INVOLVEMENT IN THE BELT AND ROAD INITIATIVE

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**Abstract:** *This study uses the theory of collective memory in international politics to examine the connection between collective memory and foreign policy to investigate why the Belt and Road Initiative has witnessed slow progress in Thailand. Qualitative data were gathered from various sources, including books, newspapers, journals, policy documents, and textbooks. The study concludes that cooperation between states is essential for achieving shared objectives but is contingent upon establishing mutual trust. Collective memories that one country maintains concerning another country can influence mutual understanding and trust, becoming ingrained even if the situation responsible for the memories changes or no longer exists. In the case of Thailand and China, the Thai government's push for the high-speed rail project faced criticism and concerns due to the public's deep-seated fears and distrust of China, the result of historical events and past experiences. This paper's findings highlight the state's role in creating collective memory and otherness, recognizing that external variables such as major power activities play a significant role.*

**Keywords:** *Belt and Road Initiative; Thailand; China; Collective Memory; Foreign Policy*

## INTRODUCTION

Thailand's involvement in the Belt and Road Initiative (BRI) is longstanding, with the two governments announcing a "Long Term Plan for Development of Relationship between China and Thailand" in 2013. Subsequent years have seen further agreements, including a Memorandum of Understanding for Jointly Promotion of the Belt and Road Initiative being signed in 2017 (China ASEAN Studies 2020). That agreement and others like it concentrate on building energy networks connecting China with ASEAN countries via Laos and Malaysia and improving cross-border transportation systems. Despite a warm embrace of the Chinese initiative, there have been some signs of caution from the Thai government. In 2016, Prayut Chanocha, Thailand's prime minister, canceled an agreement that would have connected Bangkok to Kunming (China) via Nong Khai (Thailand) and Laos (Chang, Deng, and Hwang 2019). Negotiations resumed shortly after that cancellation, and a new contract was ultimately reached.

The new agreement between Thailand and China stipulated that Thailand would finance the construction of a high-speed railway system, with China providing technology and expertise. However, the construction of the high-speed rail project has been met with substantial delays - seemingly intentional - leading to China's Foreign Minister, Wang Yi, issuing a stern warning on his trip to Thailand in 2022. Meanwhile, to even out its relationship with China, Thailand has asked other countries, such as Japan, to assist with developing high-speed rail initiatives. This

included inviting Japan to have a part in connecting northern Thailand and Bangkok, which has piqued the interest of analysts trying to discern what motivates Thailand's actions.

## LITERATURE REVIEW

Much discussion has concerned the delays in implementing China's BRI project, particularly the high-speed rail project. One group of commentators attributes the delays to Thailand's internal politics, with a second group considering the issue from an international political perspective.

Kuik (2022) cited intrinsic factors as a major factor contributing to the progress of BRI projects, conferring the Thai elite's balancing act between performance legitimation and particularistic justification, which have resulted in protracted negotiations. The former demands that Thailand establishes closer links with China to obtain diplomatic and developmental benefits while continuing to appear independent from the West, with the latter requiring that they protect the country's sovereignty and autonomy. Sawasdipakdi (2021) supports Kuik's assessment that internal politics have influenced the development of the BRI project in Thailand. She also notes the ongoing conflict between two sociopolitical coalitions, one backing Prayuth Chanocha's government and another that supports former leader Thaksin Shinawatra. Both camps have regularly amended the building plan to maintain public approval, contributing to the delays discussed.

Meanwhile, the literature attributing Thailand's delays to efforts to balance power to preserve its national interests in the international system (Buckley and Raymond 2020) believes that Thailand and other ASEAN countries cooperate with China to obtain the consequent economic gains (Soong 2021). However, they also understand that external factors, such as competition between the world's great powers, have influenced how cooperation has been implemented (Uddin and Kwun-Sun Lau 2023). For Charoensri (2020), becoming caught up in superpower rivalries made Thailand an unwilling partner in the BRI project. In this context, the Thai government adopted a longstanding policy of "bending with the wind" to obtain benefits from all the parties competing in Southeast Asia, including China, Japan, and the US.

Notably, neither of the two approaches provides any substantial explanation for how public opinion has affected Thai policy towards China. According to mainstream research, Thai political attitudes toward China are generally positive, as evidenced by the results of the Asian Barometer's Attitude Survey, with the 2016 iteration suggesting that Thais believe China has greater influence in Thailand and Asia than the US (Bukh 2020; Xi and Primiano 2020).

In contrast, components of that survey of Thai people's attitudes toward Chinese people in a social and cultural sense have exposed negative views. According to Li (2019), Thais tend to have a negative perspective of Chinese tourists, an observation reinforced by Rungruang (2018), who argued that the negative sentiment creates a significant barrier to closer diplomatic relations between the two nations. Elsewhere, Han and Khemanitthathai (2022) have identified the Thai nationalism leveraged in Cold War foreign policy and by the government during the state transformation period as the source of negativity toward Chinese people and Chineseness.

It is undeniable that negative attitudes toward Chinese people or Chineseness impact the image of the Chinese government (Baum and Potter 2008), with these sentiments inevitably

becoming a factor in decision-making and the development of foreign policy, even affecting the policymakers themselves.

## PURPOSE OF THE STUDY

A broad sentiment of negativity among Thai citizens has emerged as we explore the extant literature to understand why the BRI has seen sluggish development in Thailand. In this study, we examine how Thai attitudes toward Chinese people and Chinese foreign policy developed and who played a key role in shaping them. The research findings could serve as valuable references for understanding collective memories and their impact on international cooperation.

## RESEARCH METHOD

This research utilizes qualitative research, data sources including the literature on Thai-China history, policy, and law, regulations implemented by the Thai government concerning China, newspapers and articles regarding the BRI, and textbooks used in Thai secondary schools. This paper employs the theory of collective memory in international politics to analyze how collective memory is produced to show that the Thai government's perplexing cooperation with China on the BRI project is due to the Thai people's collective memories of past interactions with China. According to Dian (2017), there are four frameworks for understanding collective memory: instrumentalism, historical determinism, cultural approach, and interpretive approach.

Table 1 summarizes the main factors contributing to collective memory according to each approach.

**Table 1: Dian's Four Approaches to Understanding Collective Memory (Source: Adapted from Dian 2017)**

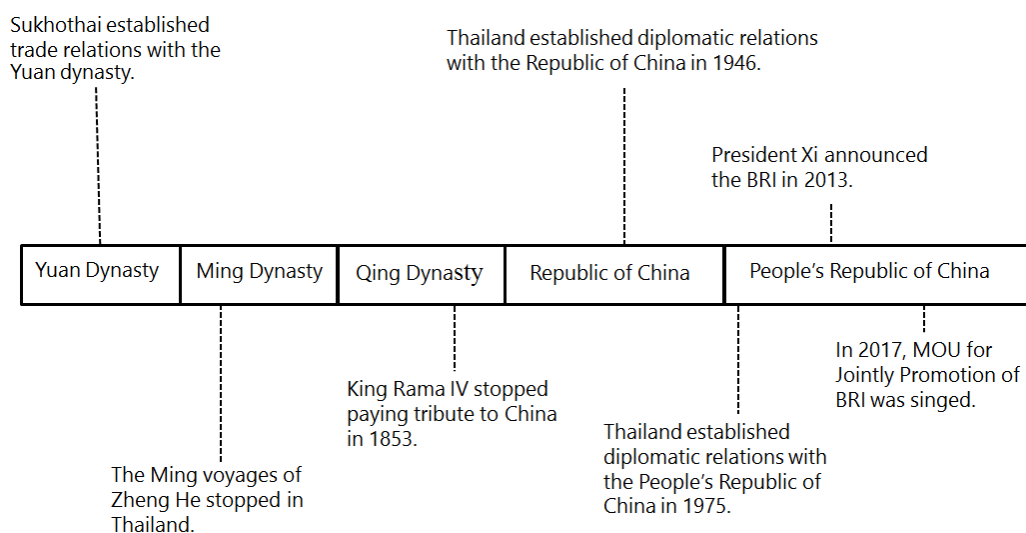
| Approaches             | Main Factors Responsible for Collective Memory                               |
|------------------------|--|
| Instrumentalism        | The narrative created by the government and elites to achieve certain goals. |
| Historical Determinism | Major events experienced by people together.                                 |
| Cultural Approach      | Cultural and social environment.   |
| Interpretive Approach  | Combination of all the factors above.  |

Instrumentalism suggests that governments and elites construct a narrative illustrating history to control and legitimize their power. This narrative can be strongly enforced on individuals and become a part of their realities. Meanwhile, historical determinism argues that collective worldviews are formed through events that people have collectively experienced. Longer lasting and more intense events produce lasting memories for the subjects. Next, the cultural approach focuses on how people absorb culture to understand past events better. One must examine a society's cultural and social environment to grasp its collective memory truly. Finally, the interpretive approach combines all three approaches and provides a framework for explaining collective memory's emergence. To Dian (2017), collective memory can emerge from government rhetoric, socialization, and memories of important national events.

Using the approaches above, this study inspects the collective memories of Thais associated with key periods in the relationship between Thailand and China. After examining the process by which collective memories are created, the paper discusses the impact of collective memories on the implementation of Thai foreign policy toward China, particularly regarding their participation in the BRI.

## RESULTS

The history of relations between Thailand and China can be divided into four distinct periods: (1) the Imperial era; (2) the Thai nation-building period; (3) the early and middle Cold War years; and (4) the period after the establishment of diplomatic relations. Figure 1 provides a visual representation of important events in relations between the two countries during each period. Each period has left its collective memories that have shaped the Thai people's perceptions of China and influenced the Thai government's foreign policy.



**Figure 1: Timeline of Thai-Chinese Relations (Source: Author's Illustration)**

### The Imperial Era

At first, the relationship between China and Thailand was based upon trading, which, in modern times, began during Thailand's Sukhothai period (1238-1463) and the Yuan Dynasty in China (1271-1368). At that time, the main imports were silk and porcelain, products valued by the Sukhothai upper class (Saengnusun 2016). This early trading stage did not greatly impact Thailand's social, economic, and cultural systems because business thinking was limited to those with power and influence. China's Qing Dynasty (1644-1912), corresponding to Thailand's late Ayutthaya period (1351-1767) and early Rattanakosin period (1782-1932), saw immense growth in trade between the two countries. Initially, this took the form of a tribute system, which required Thailand to provide offerings to the Emperor of China in order for commerce to be

permitted, with China demanding the schedule for gift-giving, originally every three years before moving to an annual basis (Department of Fine Arts of Thailand 1978, 65-67). The arrangement exemplified China's authority over numerous countries in Asia at that time.

Under the reign of Thailand's King Rama IV, the tribute system was abolished in 1853, marking a shift in the dynamics of international trade in Southeast Asia due to the increased Western presence. King Rama IV explained his decision to cut ties with China as follows: "China is in chaos, not a superpower as in the past (...) I decided not to pay any more tribute" (as cited in Department of Fine Arts of Thailand 1978, 67). In addition to the decline of Chinese power in the region, King Rama IV described the tribute system as a Chinese scam. In this sense, although Thais had understood the tribute as facilitating trade, China viewed Thailand as a tribute state and treated it accordingly: "The King of Beijing received the royal letter, and the Thai ambassador (...) accepted it as if it [Thailand were] a colonial country [Thailand] had been deceived (...) When the King realized this, he repented, and no more tribute was sent to Beijing" (as cited in Moolsilpa 2015, 83).

Thai elites, including the Thai monarch, subsequently introduced various discourses explaining the Thai tribute system to China as an economically advantageous practice, recognizing China's deception and treatment of Thailand as a colony (Moolsilpa 2015). These arguments made it apparent to the public that Thailand was not a Chinese vassal or subjugated to Qing Dynasty control.

Thus, the colonial expansion of Western powers in China and Southeast Asia led to a shift in Thai foreign policy toward China and the production of discourse on reducing Chinese influence in Thailand. By shifting trade away from China, the Thai elite prevented Western powers from undermining Thai sovereignty by leveraging its status as a Chinese tribute state. Nonetheless, these actions by Thailand inevitably negatively impacted the collective Thai image of China, with the discourse produced by the Thai ruling class creating a feeling of distrust among Thais toward China.

### **The Thai Nation-Building Period**

Thailand changed its ruling structure under King Rama V in 1868, with suspicion of China remaining steadfast. To secure the nation from colonization by Western powers, King Rama V worked diligently to transform Thailand into a nation-state, establishing an absolute monarchy as its main system of government. Meanwhile, in China, Sun Yat-sen's nationalist movement was beginning to gain ground and had ambitions of overthrowing the Qing Dynasty and establishing a republican regime.

King Rama V was aware of the potential spread of revolutionary ideas from China to Thailand. He feared such ideas could lead to political instability and unrest in his kingdom. During China's National Movement, many Chinese people fled and sought refuge in Thailand, increasing Thailand's Chinese population. As a result, the Thai government implemented various measures to control them. For example, Chinese immigrants were required to register with the government, and their political activities were monitored (Sawasateer and Tai 2013).

The Thai monarch's anxiety regarding Sun Yat-sen's nationalist movement became apparent in his reaction to news of the Chinese leader's arrival in Thailand in June 1903. King



Rama V instructed the Ministry of Metropolitan to launch an inspection to ascertain whether Chinese immigrants in Thailand would support the movement in China. During Sun Yat-sen's 20-day stay, representatives from the Ministry of municipal affairs encountered him at least six times (Murashima 2013).

King Rama VI, or King Vajiravudh, who reigned from 1910 to 1925, adopted a more anti-Chinese nationalist stance than his predecessor. To retain control over Chinese nationals in the country, he enacted certain regulations, hampering freedom of movement for immigrants, monitoring their political activities and disallowing any participation in political associations, pushing for assimilation into Thai customs via the expanded use of the local language in educational and government operations, and introducing legislation that provided preferential treatment to ethnic Thais over Chinese immigrants in economics, trading, and education (Buruspat 1974).

In addition, King Rama VI published articles and books that promoted Thainess and criticized Chineseness, especially regarding the economic exploitation that he considered characteristic of the Chinese people. He named the Chinese the Jews of the Orient (Wongsurawat 2016). It is worth mentioning that King Rama VI's anti-Chinese nationalist policies and actions led to resentment and conflicts between the Thai people and Chinese immigrants.

In 1932, Thailand shifted from an absolute monarchy to a democracy. The Republic of China, led by the Chinese Kuomintang Party, attempted to establish ties with the new Thai government by sending congratulations. However, the new Thai government chose to ignore these Chinese attempts at diplomacy (Kruarattikan 2022). The relationship between China and Thailand further deteriorated during the 1938-1945 period, potentially due to the focus of Prime Minister Plaek Phibunsongkhramon's nationalist movements, which involved manipulating the old rhetoric about Chinese economic exploitation to encourage a sense of identity and solidarity among Thais while furthering the alienating the Chinese. In this context, Chinese schools were shut down, and Chinese newspapers, printing houses, and associations were raided, with hundreds arrested in connection to these repressive measures (Buruspat 1974). Furthermore, Thailand pledged allegiance to Japan during World War II, officially recognizing Wang Ching-Wei's puppet government as the true rulers of China in 1943.

When World War II ended, Thailand altered its policy toward China. On January 23, 1946, diplomatic relations were established between the two nations, a prudent decision by Thai officials that likely represented an attempt to avoid any negative repercussions associated with siding with Japan. However, this did not mean that the Thai government, particularly its political elite, was less suspicious of China.

The Thai elite, particularly the monarch, fostered a negative image of China during the transformation period. Chinese nationalist movements were seen as disruptive, with Thailand's monarch lauded for protecting the country's sovereignty and ushering in stability and wealth. Moreover, during this time, collective memories of Chinese economic exploitation became firmly rooted and grew in the Thai collective consciousness.

## **The Early and Middle Cold War Years**

The Cold War saw a significant shift in international relations and significant adjustments in the alliances of nations. Thailand's relationship with China was particularly affected by the government's declaration of an alliance with the US. In 1949, when the Chinese Communist Party took power and renamed the nation the People's Republic of China, Thailand refused to recognize it at the UN. Again, relations between Thailand and China were based on the political interests of the Thai elite. By rallying around the US and joining the fight against communism, Field Marshal Plaek Phibunsongkhram established himself as a powerful anti-communist figure, further enhancing his reputation across Thailand. He used US support to sway the military, consolidating his rule and authority (Sawasateer and Tai 2013) until Sarit Thanarat's military coup in 1957. A fierce nationalist campaign accompanied that coup. To combat communism, Sarit implemented harsh measures against Thailand's Chinese population, asserting the community's links with the Chinese government. Censorship, arrests, and detentions of suspected Communist Party members were among his repressive tactics, with the threat of deportation used to suppress disagreement. Propaganda and public education programs were established to generate anti-communist sentiment and denigrate the Communist Party (Srisomsab 2011), substantially damaging China's image by presenting it as a promoter of communism.

During the same period, Vietnam, Laos, and Cambodia saw an attempt to install a communist regime, leading to many refugees fleeing to Thailand. Images of their plight and the atrocities committed by supporters of the communist regimes were widely circulated in Thailand, causing great alarm. Inevitably, China, representing the communist threat, became a dread figure for those who cherished the Thai way of life. China's support for North Vietnam during the Vietnam War, combined with the perception of communist expansion and increased anti-communist sentiment, led to a drastic decline in the Thai view of China. Thus, the early and middle Cold War years could arguably represent the lowest point in Thailand's collective memory of China.

## **The Period after the Establishment of Diplomatic Relations**

The prolonged Vietnam War and tensions between the USSR and China shifted Southeast Asia's geopolitical landscape. President Nixon's visit to China in 1972 and the planned withdrawal of US troops from the region prompted the Thai government to reassess its relationship with China. Seeking a powerful ally to counteract the increasing influence of the Soviet Union in Southeast Asia following successful regime changes in Vietnam, Laos, and Cambodia, the Thai government chose to establish diplomatic relations with China in 1975.

However, the Thai government remained wary in its dealings with the Chinese. Before traveling to China, then-Prime Minister M. R. Kukrit Pramoj reassured the public that he was only there to establish diplomatic ties and would not implement any Chinese policies in Thailand (Kruarattikan 2019). The statement reflected the fear of potential Chinese influence over Thailand, especially given the power void left across the region following the US withdrawal from Vietnam.

In 1979, a pivotal moment took place in the relationship between Thailand and China when the latter deployed troops to its border in response to Vietnam's invasion of Cambodia. China's actions alleviated the Thai government's concerns about the threat of communism. Furthermore, Chinese diplomats endeavored to amend the unfavorable perspective of China by extending invitations to Thai royals, such as Queen Sirikit and Princess Maha Chakri Sirindhorn, leading to the 1980s symbolizing Chinese goodwill toward Thailand.

The Thai government was also removing memories of the discord between Thailand and China, as evidenced by the social studies curricula for junior and high school students. Instead of discussing the disputes during the Thai national transformation and Cold War period, Chinese immigrants were portrayed as having endured difficulties in their hometowns before seeking peace and prosperity beneath the protective rule of the Thai monarch (Sukata and Bunnag 2015). Narratives emphasized the peaceful coexistence of Thai and Chinese people in Thailand. These initiatives diminished fear, leading to the idea of the Chinese and Thai as "brothers" becoming more widespread among Thailand's elite and middle class.

Perceptions of China's economic flux, alongside its authoritative presence in Thailand, became clear during the 2000s, especially under Thaksin Shinawatra's administration. At this time, trade and investment arrangements between the two nations developed, considerably increasing bilateral trade and Chinese venture capital investments in Thailand. The two countries also combined forces to fight terrorism and other cross-border offenses and approved collaborations on infrastructure projects, including highways and power plants (Kongjieng 2020).

However, the fostering of positive collective memories of China during the 2000s came to an abrupt halt when tensions arose between Thaksin Shinawatra and Thailand's older conservative political factions. Thaksin sought to reform the country by implementing populist policies, which jeopardized the power that these opponents had long held, leading to military coups in 2006 and 2014 that aimed to reinstate the power of the older conservative political factions. The resulting military governments engaged in crusades against Thaksin's influence, with numerous anti-Thaksin politicians and think tanks expressing their disapproval of Thailand's close ties with Beijing (Sawasdiapakdi 2021). The high-speed rail project became a symbol of this and was subsequently condemned, with Thai media outlets (e.g., Thairath, Manager, Neawna, and Thaipost) calling it an act of treason. Additionally, a resurgence of discussion occurred surrounding China's past, the current regime, and the economic exploitation of Thailand, producing conflicting opinions of the country in Thailand that persist.

## DISCUSSION

Cooperation between states is essential for achieving shared objectives and addressing existing difficulties. However, the success of such collaborations is contingent upon mutual trust being established between the relevant parties (Risse 2000). The collective memories that countries have of other countries may have an impact on this. Positive impressions of other countries can increase mutual trust and understanding, strengthening collaboration.

Consideration of the Thai collective memory of events and interactions concerning China, it is apparent how international situations, especially those that introduce feelings of oppression and endangerment, prompt leaders to produce discourse to rally public sentiment against

perceived threats. In this context, the narrative generated becomes ingrained within the nation's collective memories, and even if the situation that sparked those memories changes or those who once instigated the memories to lose power, the impact remains and continues to shape perspectives. Implementing foreign policy can become substantially more difficult if such memories are at odds with present-day conditions.

In the aftermath of the 2014 coup, Thailand's junta, which China helped gain international recognition of legitimacy by reinforcing the principle of non-interference (Cogan 2019), tried to push ahead with the high-speed rail project. However, the situation changed when the government encountered criticism and concerns over its dealings with China, particularly regarding the issue of sovereignty concerning the railway (Duangratana 2022). To address these domestic concerns, renegotiation with China was critical. Undeniably, this renegotiation was impacted by Thai collective memory, which provoked a wave of distrust and fear of China taking advantage of the country and threatening Thai independence. The collective memory related to the strategy that Prayut's supporters previously used in attacks on cooperation between China and Thaksin, a strategy that ultimately backfired, and deep-seated trepidation about China, which can be traced to the nation's creation and the Cold War.

## CONCLUSION

This research confirms the state's role in creating collective memory and otherness within a society. Contrasting Dian's conclusions, it appears that such state discourse is triggered not only by the social, economic, and cultural context but also by external variables, particularly modifications to the international system due to the activities of major powers, activities including colonial pursuits, alliance forming, and the establishment of dichotomous systems. Creating narratives is typically done with the purpose of supporting the *status quo*: if alterations to the international system jeopardize the state, then signaling an enemy or instilling generalized fear is common; conversely, when changes help the status quo retain power, a positive narrative around different countries tends to be reproduced.

States have substantial control over how they portray their history, with the results of their conduct having an immense impact on a society's collective memory. However, these narratives often protect the interests of ruling regimes or powerful individuals.

Nonetheless, with rapidly growing access to reliable information, people can better challenge state-crafted narratives and introduce balance. This could include reduced hostility between governments, the formation of collaborative ventures such as those proposed by China, and greater public understanding. By adopting an independent perspective unimpeded by imposed narratives, countries can ultimately achieve more beneficial outcomes for their citizens.

The perceptions of the people of one country of other countries are critical to productive cooperation and advancing shared ambitions. The example of Thailand's collective memory of China emphasizes official narratives' sway on people's recollections, particularly when international relations are perceived to be under threat. Thailand represents an example that demonstrates that state narratives can have a powerful effect on people's recollections, especially when the state's survival is threatened, supporting the notion that politics plays an

important role in the formation of the narratives that constitute collective memory, with outside powers influencing how a state generates discourse within any given society.

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# LOCAL SELF-GOVERNMENT, COMMUNITY, AND SOCIAL SERVICE DELIVERY IN KOSOVO

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**Abstract:** *Community development is vital in networking and creating social capital. Local governments in Kosovo cooperate closely with their communities by offering public and social services, inclusivity, and social integration. This cooperation increases active citizenship, community development, social welfare, and local democracy. This paper aims to research and analyze the relationship between local governments and their communities, focusing on providing social services. The applied methodology included a quantitative survey of 300 respondents from three municipalities: Pristina, Fushe Kosove, and Obilic, targeting citizens aged 18 and above of both genders. The results show that local authorities in these municipalities offer community services and include their communities in policy-making and decision-making. While they also offer social services, community-based services should be restructured, and local authorities should pay more attention to empowering the community more comprehensively.*

**Keywords:** *Local Government; Community; Social Services; Delivery; Kosovo*

## INTRODUCTION

The term and concept of local government primarily relate to exercising authoritative power within a specific territory. Local self-government can be viewed as the initial stage of democracy, as it is the primary avenue through which citizens can access public services. In fact, "local government can be described as some government bodies elected by the people that have administrative, legislative, and executive functions on the territories under their jurisdiction. It is defined as an authority that decides or determines certain measures within a given territory" (Thapa 2020, 4). According to Myrtezani (2022), "a political system cannot be accepted without the involvement of local self-government" (pp. 47-62). On the one hand, the local self-government has a degree of independence from the central government, as it is an authority that has social, factual, cultural, administrative, and geographical control over a given territory.

On the other hand, local self-government can serve as a "connecting bridge" between communities, ethnicities, cultures, and other social groups and structures living and operating within a certain territory. This observation highlights that local self-government, employing diverse democratic governance models, effectively involves their constituents in decision-making and policy-making. As a result, it nurtures the development of democracy and instills a sense of ownership among citizens regarding local public affairs. Alexis de Tocqueville has a point when he underlines that: people's tendency to protect political rights can be strengthened under certain circumstances. In this context, the local self-government plays a major role. People

who participate in local politics are much more likely to preserve the right to participate than those who vote only at the time of the general elections" (Malnes 2007, 196-197). In other words, Morina et al. (2021) stressed that:

Through it, we can build mutual communication between the citizens, on the one hand, and local government bodies, on the other hand. Legitimizing the representative bodies of local government through local government illustrated this communication better. Local elections enable the political accountability of elected representatives at the local level of government, which is an important factor in ensuring transparency, accountability, and public participation in decision-making (p. 21).

On the other hand, the community is fluid, it is variable, and usually, when we speak about it, we mean a group of people, who have a common purpose, a mutual trust, according to Anthony Giddens, and a sense of social belonging, because they belong to a certain community. It could be a virtual community with a purpose, trust, sense of social and identity affiliation, interaction, and social capital through which they are mentioned. It could be a business community, religious community, sports community, ethnic community, or any other type of community that does not only define the geographical aspect. Definitions of "community in sociological literature are varied but, in general, show three ideas essential to the concept, namely, first, the community is a human group; second, the people in it have common activities and experiences; and, third, it occupies a definite territorial area" (Hoffer 1931). Aristotle described the community as a compound of parts having functions and interests in common. However, in the 19th century, the German philosopher and sociologist Ferdinand Tönnies differentiated between community and society (1957). According to Tönnies (1957), the community is represented by individuals' close social ties (e.g., family, friends, and neighbors), whereas society refers to abstract associations among individuals who do not share feelings and do not necessarily share space and time" (Cobigo et al. 2016, 181-203). Consequently, it can be seen that communities are pervasive and, as a result, play a crucial role in connection to local governance.

The key finding of Fals Borda "is that participation is a real and endogenous experience of and for the common people that reduces the differences between experts and community and between mental and manual labor" (Claridge 2004, 20). The community is the one that often plays the role of the connecting bridge between local self-government and their members or other citizens in that region. This is because the community is diverse, has many members, and cannot engage in local acts for various issues and needs, including social services, as a whole; instead, only community representatives who represent their interests participate.

When talking about social services, even though they are within the competencies of the local level of government, through social welfare centers, the community is the initiator that influences the strengthening of interpersonal relationships between its members and the relationship with the local self-government, thus influencing each member about feeling an important part of the community and an equal part in contributing to the public life of local self-government. In Kosovo, local self-government is organized according to a one-tier system (central and local level), and the community is an integral part of policy-making and decision-

making through participation in local democracy through legal mechanisms defined by law. While the local self-government has the competence through the directorates to provide social services, the community can further strengthen relations with the local level through cooperation in various projects to have social inclusion for the entire community and social services to focus on the community's needs. Considering the role and importance of this triangle of components in the relationship: local self-government, community, and social services, this paper aims to research and analyze the relationships between the three components that focus on community development, respectively, marginalized groups through the provision of community-based social services. The municipalities in Kosovo can play an important role in building inter-societal relations within the community through participation and support of concrete projects, focusing on the values and social capital of the community, especially through social services where the community can offer such.

## LITERATURE REVIEW

Local self-government is crucial in organizing and providing public and social services. Recently, studies have brought attention to the dynamic interaction between local communities and local self-government. The theory that focuses on this is "Empowering Theories: Participatory, Deliberative, and Constructionist Democracy". The common theme "in participatory theories is maximizing the participation of citizens in public decisions. Participatory democracy originates in Rousseau's preference for direct democracy, with modern articulations coming from Benjamin Barber, who calls his participatory model "strong democracy" (Garlick 2020, 10). This theory primarily emphasizes community involvement in local decision-making processes, particularly within social service issues in the public services sector. In practice, participatory theories strive for empowerment as their ultimate objective, recognizing the value of political participation in establishing individuals as active citizens of the state.

Furthermore,

Participatory theories have empowerment as their end goal, with engaging in the political sphere being worthwhile because participation transforms individuals into public citizens. Deliberative democracy advocates for authentic discussion to precede decision-making. This involves recognizing and reconciling divergent views from one's own through dialogue and mutual respect (Garlick 2020, 10).

On the other hand, the theory of communitarianism, which is also a political program, plays an important role as well. The way the community is organized "is a conscious process of social interaction and a method of social work, related to any objective or to meet multiple needs and maintain the smooth running of the process, to help people effectively cope with their problems and objectives, to bring changes in the community and group relations, as well as in the distribution of power in decision-making" (Dragoti 2009, 88-90). In this segment, the community has an important role in the social inclusion of all members within it, because the focus is on the "common good", which reflects on inter-societal relations, interaction, and strengthening of social cohesion. According to Etzioni, quoted by (Kıçmari 2004, 147-148) there

are two important aspects: "first, a network of effective relationships between the individuals of a group, which strengthens each other, secondly, a sense of obligation in front of common values, norms, and meanings, in front of a common history and identity". It should be noted that the community emphasizes the social aspects of local self-government services more than the local self-government does on providing services within its purview. The coordination of their activities can be reflected in reciprocity, where the local self-government benefits in terms of raising the participation of the community in public policies and public life, which is a strong signal for local democracy.

On the other hand, the community, due to reciprocity, benefits from the local self-government in fulfilling their needs, which, according to researcher Jonathan Bradshaw, fall into four main categories: Normative needs - needs identified according to a norm or set of standards; Comparative needs - needs relating to those that arise from the comparison of an individual/group with others in a community or society; Felt needs - needs that people feel from an individual perspective; and Expressed need - the need that people say they have, where people can feel needs that they do not express, as well as express needs that they do not feel" (Xhumari 2009, 13). Local communities in Kosovo have recently gained greater influence over local policy and decision-making, both passively and aggressively. In recent years, local communities in Kosovo have become more empowered, not only passively but also actively, in local policy-making and decision-making. As a result, the relationship between local communities and government has significantly strengthened. This has benefited the community regarding public services, especially since social services are provided through municipalities, specifically municipal directorates. This has drawn societal attention to underrepresented groups, increasing communal well-being and enhancing public safety.

## DATA AND METHODOLOGY

As previously mentioned, a survey was conducted to analyze the relationship between local self-government, the community, and the provision of community-based social services. The survey included interviews with 300 respondents (N=300) in Pristina, Obilic, and Fushe Kosova (Pristina region) from January to February 2023. The questionnaire was administered in person, ensuring a representative and randomly selected sample. The sample distribution was 45% in Pristina, 20% in Obilic, and 35% in Fushe Kosova. The participants represented a range of ages from 18 to 65 and above, with the following breakdown by age groups: 18-25 years (24.3%), 26-35 years (23.4%), 36-45 years (20.1%), 46-55 years (17%), and 56 years and above (15.4%). The gender ratio was 55% men and 45% women. In terms of ethnicity, the breakdown was as follows: Albanian (85%), Serbs (3%), Ashkali (4%), Egyptians (4%), Roma (1%), and others (3%) - the survey aimed to be inclusive, encompassing a wide range of the sample population. The sample was representative and specifically tailored to the study. The survey utilized a questionnaire as the data collection tool and employed a direct and face-to-face approach.

Based on the sample size (N=300), the study aimed to answer the following questions: What is the relationship between local self-government and the community in these municipalities? How much impact does community empowerment have on local policy-making and decision-making? In which areas does the community cooperate with local authorities? How

much influence does the provision of public services, specifically social services through centers for social work, have on the community? What are the benefits of social services provision for the community?

The survey encompassed additional inquiries about the subject matter. Other methodologies employed included a literature review, a comparison of target municipalities, content analysis, an analysis of the legal framework, and statistical analysis.

## RESULTS AND DISCUSSION

The sphere of local governance holds significant importance, as local authorities possess local and financial independence, autonomy in delivering public services within their jurisdictions, and the ability to impact the socio-economic development of their territories. This influence serves to enhance relationships within the community and foster social well-being. Alternatively, author White (2022) acknowledged:

Many common themes describe why local governments are interested in developing the economy. Here are some of the ones I find most common: to increase the number and quality of local employment opportunities, to expand the services and products available to residents and visitors, create a more liveable community for people of all ages and walks of life, and to increase local investment to achieve the above - jobs, business, products, and services (pp. 3-4).

All of these themes are important and fall under the domain of local governance, and on the other hand, they also reflect on local communities, due to public services, including the issue of employment in the community. Meanwhile, the community is fluid, and it is the one that has common sense among the members of the social group they belong to or believe they belong to, a community that is known today as a type of social capital due to social networking. Therefore, according to sociologist James Coleman, "Social capital is defined by its function. It is not a single entity, but a variety of different entities having two characteristics in common: they all consist of some aspect of social structures, and they facilitate certain actions of actors – whether persons or corporate actors - within the structure" (Claridge 2004, 7). Therefore, it can be said that "social capital refers to a network of relationships created by a group of people that helps them achieve common goals and lead a comfortable life. Humans are social creatures, and such a voluntary association benefits the members in the long run, adding value that an individual cannot otherwise achieve" (Wallstreetmojo Team 2023). This social capital plays an important role in developing local communities, transforming them into active citizens concerning local governance. The more cohesive the community is, the more involved they are in local policy-making and decision-making processes.

In this aspect, the relationships between the local self-government and the community are strengthened because the local self-government provides public services, as well as social services, through social work centers, while the community participates in partnership with the local self-government by giving their contribution. In the case of Kosovo, "the local government of Kosovo is unitary, a one-level system of decentralization, based on the 2008 Ahtisaari

proposal. There are two levels of governance, the central level and the local level, also called the municipal level. In Kosovo, there are 38 municipalities, of which 27 are administered by the majority Albanian community and ten other municipalities by the Serb community, with only one by the Turkish community" (Kamberi 2021, 263).

Meanwhile, the organization of the community is regulated through subordinate acts which emphasize that "this administrative Instruction aims to regulate the organization, functioning and cooperation of the municipality with the villages, settlements and urban quarters, in the exercise of some activities that are under the responsibility and competence of the municipality" (MLGA 2019, Article 1). This administrative instruction also speaks to the nature of establishing local councils, which represent the local communities and their organizational nature. On the other hand, local self-government, in this case, refers to the municipalities, which are fundamental units of local self-government and are responsible for providing public services to citizens. Among these services are social services for different social categories, provided through social work centers under the respective health and social welfare directorates, although their organization, development, and implementation are done at the main level through the Ministry of Labor and Social Welfare. However, the local self-government's primary concern concerning the community is the continuation of communication through a variety of projects and programs based on the community, influencing the delivery of public and social services, social inclusion, the development of social and economic welfare, the return of social attention, and the strengthening of relationships between the community and local governance.

### THE RELATIONSHIP BETWEEN LOCAL SELF-GOVERNMENT AND THE COMMUNITY

Often "consideration of social elements has developed from the notion that a strong social base will lead to a stronger and healthier community, also referred to as social capital" (Vitartas 2006, 2). This social capital is important as it creates a social network among local community members. Furthermore, "community involvement is the level of activity an individual contributes to their local community. It plays an important part in communities as being involved in activities, particularly voluntarily, indicates a level of pride in and commitment to the community" (Vitartas 2006, 3).

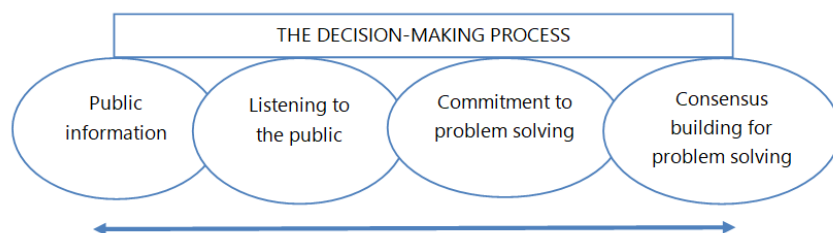


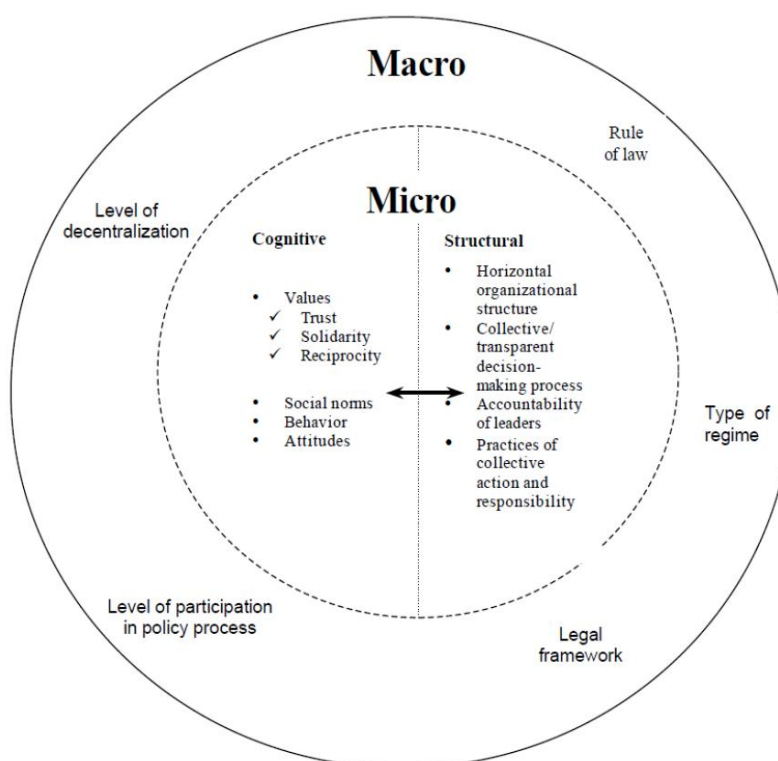
Figure 1: The Decision-Making Process (Source: Sutaj 2018,16)

Therefore, local communities offer an opportunity to strengthen relationships between them and local governance. In contrast, local governance must be responsible for their community's or citizens' welfare in that territory. However, an increase in the relationships



between local self-governments and the community has been observed in Kosovo in recent years. This relationship has been developed through partnerships and community participation in policy-making and decision-making, encompassing several crucial steps illustrated in Figure 1. This process holds significance in empowering the community and fostering a strong relationship with the local self-government.

On the one hand, the community actively participates, promoting active citizenship and safeguarding their interests. On the other hand, by establishing a partnership with the community, the local self-government cultivates democracy and paves the way for future re-election through such collaborative instances. The dynamics of this relationship are vividly illustrated in Figure 2.



**Figure 2: Conceptual Framework: Levels and Types of Social Capital (Claridge 2004, 13)**

Figure 2 illustrates an existing conceptualization of social capital developed by Bain and Hicks (1998). The authors roughly divide social capital into two levels: the macro and the micro. The macro level refers to the institutional context in which organizations operate, while the micro level refers to the potential contribution that horizontal organizations and social networks make to development. In Kosovo, in addition to administrative guidance that addresses the relationship with councils, neighborhoods, and urban settlements that are inherently related to community empowerment, municipalities are also required to develop regulations for this purpose, taking into account the territory, number of residents, local communities, gender relations, and other important aspects. During the empirical research, we have addressed some important issues regarding the relationship between local governance and the community.

**Table 1: What impact does community empowerment have on policy-making and decision-making?**

(Source: Authors' research)

| What impact does community empowerment have on policy-making and decision-making? |            |           |         |               |                    |
|---|------------|-----------|---------|---------------|--------------------|
|   |            | Frequency | Percent | Valid Percent | Cumulative Percent |
| Valid   | Many       | 158       | 52.6    | 53            | 53                 |
|   | Moderately | 70        | 23.3    | 24            | 24                 |
|   | Few        | 50        | 16.6    | 17            | 17                 |
|   | Not at all | 10        | 3.3     | 6             | 5                  |
|   | Total      | 288       | 96      | 100.0         | 100.0              |
| Missing   | System     | 12        | 4       |               |                    |
| Total   |            | 300       | 100.0   |               |                    |

Based on the data presented in Table 1, it is apparent that approximately 53% of respondents consider community empowerment in policy-making and decision-making to be of high importance. On average, 24% perceive it as moderately important, while 17% consider it minor. Only 6% indicated that they do not consider it important at all. Meanwhile, when queried about the areas in which the community collaborates most with local authorities, intriguing data emerged, which we have compiled and summarized below.

**Table 2: In which areas does the community cooperate more with the local self-government?**

(Source: Authors' research)

| In which areas does the community cooperate more with the local self-government? |                              |           |         |               |                    |
|--|------------------------------|-----------|---------|---------------|--------------------|
|  |                              | Frequency | Percent | Valid Percent | Cumulative Percent |
| Valid  | Through public meetings      | 120       | 40      | 42            | 41                 |
|  | Participation in commissions | 20        | 6.6     | 7             | 7                  |
|  | Through social services      | 49        | 16.3    | 17            | 17                 |
|  | Through social audits        | 17        | 5.6     | 6             | 6                  |
|  | Through public services      | 78        | 26      | 27            | 27                 |
|  | Other                        | 4         | 1.3     | 1             | 1.15               |
|  | Total                        | 288       | 96      | 100.0         | 100.0              |
| Missing  | System                       | 12        | 4       |               |                    |
| Total  |                              | 300       | 100.0   |               |                    |

Based on the data presented in Table 2, it is evident that approximately 42% of respondents have indicated that communities engage in greater collaboration with local authorities through participation in public meetings. These meetings serve as local decision-making mechanisms under the Law on Local Self-Government (2008). Despite legislation regulating this matter, participation in commissions is perceived as less favorable, as only 7% of respondents have expressed such a view. Furthermore, among those surveyed, 17% reported that they primarily collaborate through social services, specifically targeting marginalized groups, disadvantaged groups, and other social groups. The significance of collaboration through social audits has been highlighted; however, the achievement of such collaboration is limited to only 6%. This might be attributed to the relatively recent introduction of social audits



in Kosovo, which involve community monitoring of various local self-government programs. Consequently, there is limited community awareness and understanding of social audits. Author Eigman (2007) acknowledged that the local self-government and the community might work together most frequently in the area of public services, which includes:

Things provided by local governments for and to citizens. We do not limit ourselves here to services of an individual character but also look at services in the interest of the citizen collective, groups of people. The local governments perform acts that are of service to citizens, which creates possibilities for citizens (including companies and organizations) to do things that would not have been possible without the municipality's involvement or that make it easier for them to do things (p. 11).

Therefore, it can be concluded that the focus of the relationship between local authorities and the community lies in their collaboration, encompassing interests in various fields and segments.

### **LOCAL SELF-GOVERNMENT AND SOCIAL SERVICES**

The municipalities, as basic units of local governance, have competencies within their jurisdiction: exclusive, delegated, and extended competencies. Thus, municipalities play an important role in providing social services through social work centers, but this can also be done through community-based civil society organizations. This implies that communitarianism "is an effort to unite and synthesize both aspects, individualism, and collectivism, respecting the basic rights of the individual as well as the well-being of the family and community" (Dragoti 1999, 275). Based on this approach, municipalities focus on developing social, economic, cultural, infrastructural, and security welfare, as well as a range of other issues that affect communities' individual and collective interests. Regard to Law No. 02/I-17 on Social and Family Services 2015 (amended on 2012):

Each municipality, through its relevant directorate, is responsible for ensuring the provision of Social and Family Services within its territory to a standard specified by the Ministry. While they have general responsibility for the delivery of social and family services within their area, no elected member of the Municipal Council or Officer of the municipality is permitted to make directions to a Director of the Centre for Social Work or his staff concerning the professional management of any particular social and family services case, nor are they permitted to have access to confidential case records (Article 6).

Regarding the organization, usually, this is done through health and social welfare directorates, which require social services within their territory to be provided "through the activities of Centres for Social Work or by providing financial or other assistance to non-government organizations to enable them to do so" (Law No. 02/I-17 on Social and Family Services 2015, amended on 2012).

The Center for Social Work is, in fact, a professional public institution at the municipal level, competent for the protection of citizens in need of social support, which through the decentralization process of 2009, has a reporting relationship with the Ministry of Labour and Social Welfare as well as the municipality. The Center for Social Work in Kosovo is the main and authorized institution "for providing professional social services, the service of the Social Assistance Scheme, and other administrative matters. They provide services to all citizens of the Republic of Kosovo and other citizens who are temporarily or permanently in Kosovo with residence, work, or transit" (Mujku 2021, 7). Also, services

under the territorial mandate and competence of the Center for Social Work - CSW are offered to all citizens regardless of nationality, age, language, race, or functional ability. Each CSW is obliged to provide services in the official languages provided by Article 5 of the Constitution of the Republic of Kosovo, while in the municipalities where other official languages such as Turkish, Roma, or Bosnian are also official, services must be provided in that language (Mujku 2021, 8).

However, CSW clients "may also be citizens from other countries for whom translation into their languages must be provided, as well as translation into sign language for deaf and dumb persons" (Mujku 2021, 8).

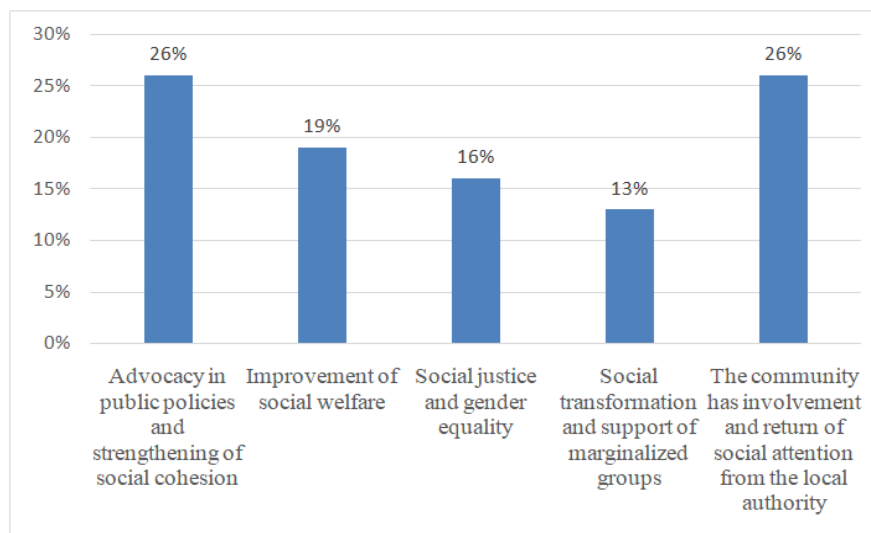
Within the 38 municipalities in Kosovo, each municipality has a social work center within its territory to cover the community's social needs, except for the capital - Pristina, which has a special status and has three units within the social work center. As for the provision of social services:

They include a range of social services that are specified and divided according to different categories: legal protection, professional social services for children, professional social services for adults, temporary shelter for children without family care, a residential shelter for children, a residential shelter for adults, emergency assistance, family services, general services/assessment and planning services, after-hours care, administrative services, provision of social assistance and other unspecified services (Mujku 2021, 12-14).

From this, we can see that local self-government plays an important role in providing social services through social work centers and other civil society organizations that are specialized and licensed in this field. Local authorities, as well as central authorities, are at the forefront concerning community needs. In many other countries, social services are decentralized, where in addition to social work centers, and specialized civil society organizations, the community can also provide social services. Thus, "community has been a central focus of social work practice since its inception. Communities are among the many social systems that touch people's lives and shape their individual and group identities. People are born in social contexts; they grow, mature and learn about, and form perceptions of social structures" (Malathi 2010, 5). In other words, "community provides the context and setting for social work at all levels of intervention" (Malathi 2010, 6), so the focus of local authorities on the

community is done through social interventions offered by social work centers or other non-governmental organizations. In fact, “as service providers, local self-government can integrate service delivery more effectively. Most municipalities are involved - to varying degrees - in delivering a range of programs and services such as child care, social assistance, public health, and arts and recreation programs” (Torjman 2003, 7). The respondents’ opinions regarding the role of community-based social services and their benefits have been considered in Diagram 1.

**Diagram 1: What are the benefits of the community from the provision of social services in particular?**



According to the findings in Diagram 1, it is evident that the surveyed respondents highly value the role of local authorities. Out of the respondents, approximately 26% have expressed that they perceive advocacy in public policies as a beneficial factor, indicating the strengthening of community cohesion. Additionally, 19% acknowledge the benefit of improving social well-being, 16% emphasize the importance of social justice and gender equality, 13% recognize the significance of social transformation and support for marginalized groups, and 26% highlight the value of social inclusion within the community and the attention received from local authorities. This suggests that while the respondents have acknowledged the significance of the local self-government concerning community benefits, there is a necessity to strengthen community engagement and organization further. Achieving this objective requires collaborative efforts involving local stakeholders, central authorities, civil society organizations, the media, and the community.

## CONCLUSION

Based on the information gathered thus far, important conclusions can be drawn from a scientific perspective and for the actors involved in the focus of this work. In general, it can be said that there has been a significant strengthening of local governance and the relationship with the community in recent years, with communities being actively involved as partners by local authorities. Public meetings and other local mechanisms have been participated in by communities, thereby fostering the spirit of democratic development. Communities have also developed in Kosovo due to administrative rules governing the creation of village, neighborhood, and urban settlement councils. These councils contribute to the community by fostering the development of social networks, now more commonly referred to as "social capital" in sociological terms.

Additionally, during the elaboration of the article, municipalities have been observed as fundamental units of local self-government in Kosovo, with a role in providing social services, among other competencies. These services fall under the responsibility of the municipal directorates of health and social welfare. They are delivered by social work centers and civil society organizations, profiled and licensed by the Ministry of Labour and Social Welfare. All municipalities have established these centers, and Pristina Municipality, as the capital city, has three units due to its status as the capital city according to the law. The offered social services are diverse, aiming for central and local authorities to exert influence and provide special attention to vulnerable and oppressed communities. Such services assist the community in strengthening fair practices, social attention, social cohesion, community development, and promoting active citizenship. This benefits not only the community but also the local authority.

Based on the research, it is evident that the cooperation between the community and local governance focuses primarily on public services, public meetings, and the provision of social services, which fall under the jurisdiction of both the central and local levels. Consequently, in addition to its inherent benefits, this collaboration can impact fostering social transformations, promoting sustainable decisions by local authorities, and fostering more active citizenship. These factors ultimately reflect the development of democracy.

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This article does not contain any studies with human participants performed by any authors.

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# FACTORS AFFECTING CORRUPTION IN THE PUBLIC SECTOR: EVIDENCE FROM VIETNAM

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**Abstract:** *This research utilizes a structural equation modeling (SEM) technique to comprehensively examine the intricate interactions among various factors influencing corruption in Vietnam's public sector. The findings reveal that certain factors, including inadequate anti-corruption policies and enforcement, a lack of accountability and transparency in anti-corruption endeavors, and significant income disparities between public officials and anti-corruption measures, significantly and positively impact the cultural and social norms associated with anti-corruption. Additionally, insufficient cultural and social standards exert a notable and positive influence on the level of corruption in the public sector. The outcomes of this study provide valuable insights for developing effective policies and strategies that promote accountability, transparency, and good governance to combat corruption in Vietnam's public sector.*

**Keywords:** *Transparency; Accountableness; Institutionalization; Corruptness; Public Sector; Vietnam*

## INTRODUCTION

The abuse of power by government officials or employees in exchange for personal gain is called corruption in the public sector (Rose-Ackerman and Palifka 2016; Spector 2005). It can take many forms, such as bribery, embezzlement, nepotism, cronyism, and favoritism (Jain 2001; Sylwester 2019; Kohler and Bowra 2020). This type of corruption can have serious negative impacts on the functioning of the government and the delivery of public services, as it can divert resources and opportunities away from the public interest and towards private gain (Mauro 1998; Gelb 2000). Corruption in the public sector can also erode public trust and undermine the rule of law, leading to a loss of confidence in government institutions and damaging the social contract between the state and its citizens (Barometer 2017; Schneider and Buehn 2018). It is a major challenge in many countries, particularly in developing countries where weak institutional frameworks and low wages among public officials can create incentives for corrupt behavior (Rose-Ackerman and Palifka 2016; Mauro 2006).

Corruption has been a persistent problem in Vietnam for many years, and it continues to pose significant challenges to the country's economic, social, and political development (Fritzen 2005; Tran and Nguyen 2020). The corruption problem in Vietnam is multi-faceted and affects different levels of government, from the central to the local (Nguyen 2019; Vo 2015). Nevertheless, Vietnam has made some progress in combating corruption in recent years,



including the introduction of various legal and institutional reforms, such as the Law on Anti-Corruption, the establishment of the Central Steering Committee for Anti-Corruption, and the creation of anti-corruption offices at different levels of government (Fritzen 2005; Nguyen 2019). The Law on Anti-Corruption, passed in 2005 and amended in 2018, is one of the leading legal instruments used to combat corruption in Vietnam (Tran and Nguyen 2020). This law establishes a comprehensive framework for preventing and detecting corruption and investigating and prosecuting corruption cases. It also includes provisions for protecting whistleblowers and imposing severe penalties on those who engage in corrupt activities. In addition to the laws, Vietnam has set up several institutions to investigate and punish corruption. These include the Central Steering Committee for Anti-Corruption, which coordinates anti-corruption efforts across different government agencies, and the Government Inspectorate, which inspects and investigates corruption cases (Vo 2015). However, some scholars have said that these institutions are not independent and can be influenced by politics (Nguyen 2019).

In order to effectively combat corruption in the public sector, it is crucial to understand its underlying causes and the factors contributing to it. In Vietnam, some of the factors that can lead to corruption include weak institutional frameworks (Bjørnskov 2011), inadequate anti-corruption measures and enforcement (Cao and Shi 2021), a lack of transparency and accountability (Jain 2001), low wages and high-income inequality among public officials (Doh, Rodriguez, Uhlenbruck, Collins, and Eden 2003), and cultural and social norms that tolerate or encourage corruption (Mungiu-Pippidi 2015). Identifying these factors and understanding how they interact is crucial to developing effective policies and measures to address public sector corruption.

This paper examines the factors that drive corruption in Vietnam's public sector. Employing a mixed-methods approach, we will systematically review the relevant theoretical and empirical literature on corruption in the public sector (Rose-Ackerman and Palifka 2016). Furthermore, a survey will target public officials dismissed or reassigned to the private sector due to their engagement in corrupt activities (Mishra 2006). The objective of this study is to identify the factors that contribute to corruption in the public sector. Valuable insights can be derived from the findings of our study, which can aid in the design of more effective anti-corruption policies and measures aimed at enhancing the rule of law (Lambsdorff 2007), fostering economic development and social progress (Kaufmann 1997), and improve the welfare of the Vietnamese people. By understanding the underlying causes of corruption in the public sector, policymakers can develop targeted interventions to combat corruption and enhance the performance of the public sector.

## LITERATURE REVIEW

### Institutional Frameworks in Combating Corruption

Over the last few decades, the institutional frameworks for anti-corruption measures in Vietnam have experienced substantial modifications. In the early 1990s, the Vietnamese government recognized the need for anti-corruption measures and established various institutions to tackle the issue (Hien 2018; Kantabutra 2022). However, these institutions lacked

the necessary powers, resources, and independence to combat corruption effectively (Hien 2018). In 2005, the Vietnamese government passed the Law on Anti-Corruption, establishing a more comprehensive legal framework for anti-corruption efforts (Hien 2018; Recanatini 2011). The law defined corruption and established the legal basis for anti-corruption agencies and policies. It also made rules about punishing corruption and protecting people who tell the truth (Malesky and London 2014).

Along with the Law against Corruption, the Vietnamese government has set up many institutions to fight corruption. These include the Central Steering Committee for Anti-Corruption, which coordinates anti-corruption efforts across different government agencies, and the Government Inspectorate, which inspects and investigates corruption cases (Dang 2016). Despite these institutional reforms, corruption remains a significant challenge in Vietnam. According to the 2021 Corruption Perceptions Index, Vietnam scored 37 out of 100, ranking 104th out of 180 countries worldwide (Cao and Shi 2021; Peters 2015). The country's ranking has improved since 2012, but it still indicates significant corruption within the public sector (Hien 2018).

### **Inadequate Anti-Corruption Measures and Enforcement**

Inadequate anti-corruption measures and enforcement refer to the actions taken by governments, organizations, and individuals that are insufficient or ineffective in preventing and combating corruption. It also includes laws and regulations that are not adequately enforced. Such inadequacy can contribute to the widespread and pervasive nature of corrupt practices, significantly harming society and the economy (Johnston 2005; Mauro 2004; Rose-Ackerman and Palifka 2016). Inadequate anti-corruption measures and enforcement can take various forms, such as weak legal frameworks, limited institutional capacity, low public awareness, and a lack of political will to address corruption (Gupta, Davoodi, and Tiongson 2001; Lambsdorff 2002; Kohler and Bowra 2020). These factors can undermine efforts to promote transparency, accountability, and good governance and hinder economic and social development (Kaufmann, Kraay, and Mastruzzi 2011; Lambsdorff 2006; World Bank 2019).

Several studies have highlighted the issue of inadequate anti-corruption measures and enforcement in Vietnam. For example, a report by Transparency International (2019) found that corruption remained pervasive in Vietnam, despite the country's efforts to combat the issue. The report identifies weak legal frameworks, limited institutional capacity, and low public awareness as contributing factors to the problem of corruption. Similarly, a study conducted by Tan-Mullins et al. (2014) highlights the lack of political will and enforcement capacity as key challenges to anti-corruption efforts in Vietnam. Inadequate anti-corruption measures and enforcement can have significant consequences for Vietnam's development. For instance, a study by Gyimah-Brempong (2002) reveals that corruption in Vietnam negatively impacts economic growth, foreign direct investment, and income inequality. The authors emphasize the necessity for stronger anti-corruption measures and enforcement as a crucial policy recommendation to address these issues.

## **Transparency and Accountability**

Inadequate anti-corruption measures and enforcement refer to actions taken by governments, organizations, and individuals that are insufficient or ineffective in combating corruption, as well as laws and regulations that are not adequately enforced. This can result in the proliferation of corrupt practices, significantly harming society and the economy (Johnston 2005; Mauro 2004; Rose-Ackerman and Palifka 2016). Inadequate anti-corruption measures and enforcement manifest in various forms, including weak legal frameworks, limited institutional capacity, low public awareness, and a lack of political will to address corruption (Gupta, Davoodi, and Tiongson 2001; Lambsdorff 2002; Kohler and Bowra 2020). These factors undermine efforts to promote transparency, accountability, and good governance, impeding economic and social development (Kaufmann, Kraay, and Mastruzzi 2011; Lambsdorff 2006; World Bank 2019).

Several studies have shed light on the issue of inadequate anti-corruption measures and enforcement in Vietnam. A report by Transparency International (2019) revealed that corruption remained pervasive in Vietnam, despite the country's endeavors to combat it. The report pointed out weak legal frameworks, limited institutional capacity, and low public awareness as contributing factors to the problem. Similarly, Tan-Mullins et al. (2014) identified a lack of political will and enforcement capacity as key challenges in Vietnam's anti-corruption efforts. Insufficient anti-corruption measures and enforcement can have significant implications for Vietnam's development. For instance, Gyimah-Brempong's study (2002) demonstrated the negative impacts of corruption on economic growth, foreign direct investment, and income inequality in Vietnam. The authors emphasized the necessity for stronger anti-corruption measures and enforcement as a crucial policy recommendation to address these issues.

## **Wages and High-Income Inequality among Public Officials and Anti-Corruption**

Public sector salary in Vietnam refers to the compensation paid to government employees, including civil servants, military personnel, and elected officials (Heydari, Lai, and Xiaohu 2021). In Vietnam, the public sector is a big employer. More than 5 million people work in government agencies and organizations (World Bank 2020). According to Anh Vu, Plimmer, Berman, and Ha (2022), the government in Vietnam determines the salary structure for public sector employees based on various factors, including job duties, experience, and education level. Despite recent efforts to increase public sector salaries in Vietnam, they remain relatively low compared to those in the private sector, and income disparities within the public sector continue to be challenging (Sakellariou and Fang 2014). This can make public officials more likely to take bribes and do other forms of corruption to make more money (Fjelde and Hegre 2014).

Moreover, the low salaries in the public sector can also lead to reduced motivation and productivity among government employees, affecting the quality of public services (Tuan 2017). Income disparities within the public sector can exacerbate this problem, creating resentment and dissatisfaction among lower-level officials (McCarty 2001). Studies have shown that the salary levels of public officials can significantly impact the prevalence of corruption in a country (Bracci, Tallaki, Ievoli, and Diplotti 2022; Abbink 2000). So, improving the public sector salary

structure in Vietnam is important to reduce the incentives for public officials to be corrupt and to promote good governance (DeFronzo 2021).

Addressing wages and high-income inequality among public officials is crucial for the success of anti-corruption efforts. Research has shown that higher wages for public officials can reduce corruption by decreasing their incentive to engage in corrupt practices (Dunn-Cavelty and Suter 2009). Similarly, studies have found a negative correlation between income inequality and corruption, suggesting that reducing income disparities can help curb corrupt behavior (Gupta, Davoodi, and Tiongson 2001). Also, giving public officials enough money can get more qualified and skilled people to work for the government, which can improve the quality of government and make corruption less likely (Mauro 1995).

This is supported by studies that have found a positive correlation between the quality of governance and public officials' compensation level (Campos, Lien, and Pradhan 1999; Kaufmann and Kraay 2002). Moreover, addressing wages and high-income inequality among public officials can increase public trust and confidence in the government, enhancing the effectiveness of anti-corruption measures (Barón and Cobb-Clark 2010). A study by Mrazek (2002) found that public perceptions of corruption were lower in countries where public officials were better paid. Therefore, implementing policies that address wages and income inequality among public officials is crucial for the success of anti-corruption efforts. This can involve implementing measures such as salary increases, performance-based pay, and reducing income disparities among officials at different levels. However, it is crucial to remember that to combat corruption effectively; these policies must also be accompanied by robust enforcement and accountability mechanisms (Dollar and Svensson, 2000; Fisman and Svensson 2007).

### **Cultural and Social Norms in Anti-Corruption**

Cultural and social norms in anti-corruption refer to the role that cultural and social factors play in shaping attitudes and behaviors related to corruption, as well as the strategies and policies aimed at changing these attitudes and behaviors (Alatas et al. 2020; Banuri and Eckel 2012; Yudhi 2022; Fisman and Miguel 2007; Köbis et al. 2022; Klitgaard 1988; Nunn 2020; Torgler 2004). Cultural and social norms can include beliefs about the acceptability of corruption, the importance of loyalty and reciprocity, and the state's role in society (Alatas et al. 2020; Yudhi 2022; Klitgaard 1988; Nunn 2020). These norms can be deeply ingrained and vary significantly across different societies, making developing effective anti-corruption policies sensitive to local cultural and social contexts challenging.

Addressing cultural and social norms is important for the success of anti-corruption efforts because it can help change attitudes and behaviors toward corruption and lead to more open and accountable practices (Banuri and Eckel 2012; Fisman and Miguel 2007; Köbis et al. 2022; Torgler 2004). Strategies for addressing cultural and social norms in anti-corruption can include public awareness campaigns, education and training programs, and the promotion of values such as honesty, integrity, and accountability (Alatas et al. 2020; Yudhi 2022; Klitgaard 1988; Nunn 2020). It is essential to tailor these strategies to the specific cultural and social context in which they are being implemented, as a one-size-fits-all approach may not be effective in all situations (Banuri and Eckel 2012; Fisman and Miguel 2007; Köbis, Troost, Brandt,

and Soraperra 2022; Klitgaard 1988). Cultural and social norms in anti-corruption in Vietnam refer to the attitudes and behaviors toward corruption shaped by the country's cultural and social context. In Vietnam, traditional values such as filial piety, loyalty, and respect for authority have historically been highly regarded, and these values continue to influence attitudes toward corruption (Truong 2018). For example, gift-giving and favors, perceived as bribery in other contexts, are often considered acceptable in Vietnamese culture to show gratitude and build relationships (Pham, Shi, Fogel, Li, and Pham 2021).

In Vietnam, strategies and policies have been made to promote transparency, accountability, and integrity in public and private institutions to deal with the country's cultural and social norms. These include public awareness campaigns, education and training programs, and promoting values like honesty and accountability (Vietnam Government 2020). However, it can be hard to change deeply ingrained cultural and social norms, so anti-corruption strategies must consider the local context and be made to fit it (Tromme 2016). In recent years, there have been efforts to integrate anti-corruption education into the Vietnamese school curriculum to promote anti-corruption values and ethics from a young age (Doig and Riley 1998). Additionally, there have been calls for promoting a culture of transparency and accountability in the public sector, including implementing measures to protect whistleblowers and establishing an independent anti-corruption agency (Painter 2014). The media and civil society have also played an important role in promoting anti-corruption values and ethics in Vietnam. For example, investigative journalism has exposed corruption scandals and contributed to public pressure for accountability and transparency (Frary 2017). Non-governmental organizations have also actively promoted transparency and accountability and advocated for legal and institutional reforms (Truong 2016).

The following is a proposed research model based on a literature review (Figure 1).

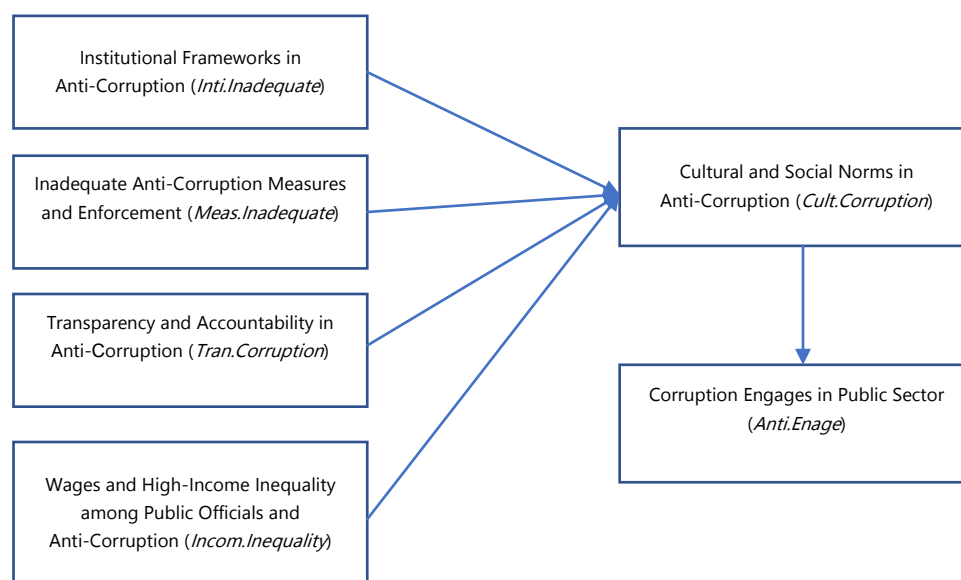


Figure 1: Proposed Research Model

The present study is guided by a proposed research model (Figure 1), which leads to the development of the following research hypotheses:

- Hypothesis 1 (H1) proposes that institutional frameworks in anti-corruption positively and significantly impact cultural and social norms in anti-corruption.
- Hypothesis 2 (H2) suggests that inadequate anti-corruption measures and enforcement positively and significantly impact cultural and social norms regarding corruption.
- Hypothesis 3 (H3) proposes that transparency and accountability in anti-corruption positively and significantly impact cultural and social norms in anti-corruption.
- Hypothesis 4 (H4) postulates that wages and high-income inequality among public officials and anti-corruption positively and significantly impact cultural and social norms in anti-corruption.
- Hypothesis 5 (H5) suggests that Cultural and social norms in anti-corruption positively and significantly impact corruption engagement in the public sector.

## METHODOLOGY

### Instrument and Participant

The study was conducted in Hanoi and Ho Chi Minh City in September 2022, with the former being the capital of Vietnam and the latter being the country's largest economic and cultural center (Heydari, Lai, and Xiaohu 2021). Five experts in psychology, sociology, and law enforcement were consulted to develop the study questionnaire, and after much discussion, a questionnaire with two parts was created (Fernando and Bandara 2020). Part 1 of the questionnaire collected demographic information, including age, gender, education level, and occupation, while Part 2 contained questions on five factors affecting corruption in the public sector: inadequate anti-corruption measures and enforcement, transparency and accountability, wages and income inequality, cultural and social norms, and corruption engagement (Dao and Ngo 2022). Two linguists edited the questionnaire to ensure cultural appropriateness (Heydari, Lai, and Xiaohu 2021). After pre-testing the questionnaire with a representative sample of 40 participants, minor edits were made to improve clarity (Fernando and Bandara 2020). The final version was administered to 200 individuals who had been found guilty of corruption or involvement in corrupt activities in the public sector and had subsequently left for the private sector. These participants were purposively selected (Dao and Ngo 2022). The survey was sent directly to the participants, and after they completed the questionnaire by circling the answers with a pencil, a response rate of 100% was achieved (Heydari, Lai, and Xiaohu 2021; Huynh 2016). The demographic information of the study participants is presented in Table 1.



Table 1: Demographic Characteristics of Survey Participants (Source: Authors' survey dataset)

|           |                      | Education         |         |                      |         |
|-----------|----------------------|-------------------|---------|----------------------|---------|
|           |                      | Bachelor's Degree |         | Postgraduate Diploma |         |
|           |                      | Count             | Row N % | Count                | Row N % |
| Gender    | Female               | 57                | 83.8%   | 11                   | 16.2%   |
|           | Male                 | 111               | 84.1%   | 21                   | 15.9%   |
| Age       | 20-25 years          | 24                | 92.3%   | 2                    | 7.7%    |
|           | 31-35 years          | 34                | 87.2%   | 5                    | 12.8%   |
|           | 36-40 years          | 37                | 82.2%   | 8                    | 17.8%   |
|           | Over 40 Years Old    | 73                | 81.1%   | 17                   | 18.9%   |
| Education | Bachelor's Degree    | 168               | 100.0%  | 0                    | 0.0%    |
|           | Postgraduate Diploma | 0                 | 0.0%    | 32                   | 100.0%  |

### Reliability Analysis

Using Cronbach's alpha, we determine the extent to which the questions in our survey questionnaire are positively correlated, indicating that they are measuring the same underlying construct. A high alpha score indicates that the questionnaire is reliable, while a low score may indicate that the questionnaire needs to be revised or refined. The interpretation of the results of Cronbach's alpha analysis can be subjective and depend on various factors, such as the purpose of the research, the type of data being collected, and the target population for the survey (Fornell and Larcker 1981). Generally, a Cronbach's alpha score of 0.7 or higher is considered acceptable for most surveys, indicating high internal consistency and reliability (Nunnally and Bernstein 1994). However, a score between 0.6 and 0.7 may still be considered acceptable for some surveys. Still, it may indicate that some questions in the questionnaire are not contributing to the measurement of the underlying construct and need to be revised or removed (Hair et al. 2006). Conversely, a score below 0.6 is generally considered low. It may indicate that the questions in the questionnaire are not measuring the same construct and may need to be revised or refined (Cortina 1993).

Table 2: Summary of Reliability (Source: Authors' survey dataset)

| Scales                  | Number of Variables Observed | Reliability Coefficients (Cronbach Alpha) | Composite Reliability | Average Variance Extracted |
|-------------------------|------------------------------|---|-----------------------|----------------------------|
| <i>Anti.Enage</i>       | 5                            | 0.799                                     | 0.799                 | 0.443                      |
| <i>Cult.Corruption</i>  | 5                            | 0.735                                     | 0.797                 | 0.441                      |
| <i>Inti.Inadequate</i>  | 5                            | 0.787                                     | 0.801                 | 0.447                      |
| <i>Meas.Inadequate</i>  | 5                            | 0.799                                     | 0.789                 | 0.427                      |
| <i>Tran.Corruption</i>  | 5                            | 0.777                                     | 0.780                 | 0.415                      |
| <i>Incom.Inequality</i> | 5                            | 0.796                                     | 0.738                 | 0.363                      |

Composite reliability (CR) is widely used to assess the internal consistency or reliability of a set of items on a scale or questionnaire (Bagozzi and Yi 1988; Hair et al. 2006; Henson and Roberts 2006; Raykov 1997; Reise et al. 2013; Schmitt 1996; Sijsma 2009; Zinbarg et al. 2005). It determines whether a group of items intended to measure a single construct or latent variable

consistently measures that construct (Zucoloto et al. 2014; Nunnally and Bernstein 1994). CR is calculated as the ratio of the total variance of the observed scores to the total variance of the actual scores of the items (Bagozzi and Yi 1988; Raykov 1997; Sijtsma 2009). It estimates the proportion of the total variance in the observed scores due to the actual conflict in the measured construct rather than to measurement error or other sources of variability (Hair et al. 2010). A CR value of 0.70 or higher is generally considered acceptable for research purposes, indicating that the items are measuring the intended construct with a reasonable level of internal consistency (Zucoloto et al. 2014; Henson and Roberts 2006; Nunnally and Bernstein 1994; Reise et al. 2013; Schmitt 1996; Zinbarg et al. 2005). However, the acceptable threshold may vary depending on the specific research context and the intended use of the scale (Henson and Roberts 2006).

The average variance extracted (AVE) is a statistic used to assess the amount of variance in a set of items explained by their underlying construct or latent variable. AVE is a measure of construct reliability, similar to composite reliability, but is calculated based on the shared variance between the items rather than the total variance. AVE is typically used in the context of confirmatory factor analysis (CFA) and structural equation modeling (SEM). The AVE of a construct is calculated as the average of the squared correlations between the construct and each of its indicator items (Fornell and Larcker 1981). Specifically, the AVE is the sum of the squared loadings of the items on the construct divided by the sum of the variances of the items and measurement error (Hair et al. 2010). AVE values range from 0 to 1, with higher values indicating that the construct explains more of the variance in the items. AVE values of 0.5 or higher are generally considered acceptable for research purposes, meaning that the items measure the intended construct with a reasonable level of reliability (Fornell and Larcker 1981; Hair et al. 2010; Kline 2015). However, the acceptable threshold may vary depending on the specific research context and the intended use of the scale (Bagozzi and Yi 2012; Chin 1998; Schreiber et al. 2006).

Table 2 presents the results of the reliability and validity tests for the research questionnaire (Hair et al. 2019; Henseler et al. 2015). The Cronbach's alpha coefficients for all items were greater than 0.7, indicating satisfactory internal consistency and reliability of the questionnaire (Nunnally and Bernstein 1994). Composite reliability, which is a measure of the reliability of a defined structure with five to eight items, met the minimum threshold of 0.70 (Fornell and Larcker 1981). Table 3 shows that all items have a factor loading greater than 0.7, indicating good convergent validity (Hair et al. 2019; Henseler et al. 2015). The AVE of all items was approximately 0.50, which is an acceptable threshold for further analysis (Fornell and Larcker 1981). These results demonstrate that the questionnaire items have satisfactory reliability and validity for analyzing the proposed research model.

## Exploratory Factor Analysis

Exploratory factor analysis (EFA) is a statistical technique used in the social sciences to identify underlying latent factors or dimensions in a set of variables (Fabrigar et al. 1999). EFA aims to reduce the number of variables in a dataset by identifying patterns of inter-correlation among them and grouping them into a smaller set of underlying factors. An EFA creates a correlation matrix of the variables, generating factor scores through a series of mathematical



operations (Costello and Osborne 2005). The number of factors to be extracted is often determined by examining scree plots and eigenvalues, which represent the magnitude of the factors and their relative importance (Kaiser 1960). The results of an EFA can help researchers identify the key factors that explain the relationships among the variables in a dataset (Brown 2006). This information can then guide the development of more refined and focused research questions, hypotheses, and models (Hair et al. 2006).

**Table 3: Rotated Component Matrix (Source: Authors' survey dataset)**

| Rotated Component Matrix <sup>a</sup>   |           |      |      |      |      |      |
|---|-----------|------|------|------|------|------|
|   | Component |      |      |      |      |      |
|   | 1         | 2    | 3    | 4    | 5    | 6    |
| Anti.Enage 5  | .710      |      |      |      |      |      |
| Anti.Enage 2  | .646      |      |      |      |      |      |
| Anti.Enage 4  | .634      |      |      |      |      |      |
| Anti.Enage 3  | .631      |      |      |      |      |      |
| Anti.Enage 1  | .612      |      |      |      |      |      |
| Cult.corruption 29  |           | .708 |      |      |      |      |
| Cult.corruption 30  |           | .667 |      |      |      |      |
| Cult.corruption 26  |           | .666 |      |      |      |      |
| Cult.corruption 28  |           | .579 |      |      |      |      |
| Cult.corruption 27  |           | .575 |      |      |      |      |
| Inti.Inadequate 17  |           |      | .731 |      |      |      |
| Inti.Inadequate 19  |           |      | .668 |      |      |      |
| Inti.Inadequate 18  |           |      | .632 |      |      |      |
| Inti.Inadequate 16  |           |      | .586 |      |      |      |
| Inti.Inadequate 20  |           |      | .549 |      |      |      |
| Meas.Inadequate 13  |           |      |      | .717 |      |      |
| Meas.Inadequate 11  |           |      |      | .659 |      |      |
| Meas.Inadequate 15  |           |      |      | .643 |      |      |
| Meas.Inadequate 12  |           |      |      | .624 |      |      |
| Meas.Inadequate 14  |           |      |      | .548 |      |      |
| Tran.corruption 23  |           |      |      |      | .724 |      |
| Tran.corruption 25  |           |      |      |      | .699 |      |
| Tran.corruption 24  |           |      |      |      | .653 |      |
| Tran.corruption 22  |           |      |      |      | .545 |      |
| Tran.corruption 21  |           |      |      |      | .539 |      |
| Incom.inequality 7  |           |      |      |      |      | .654 |
| Incom.inequality 6  |           |      |      |      |      | .623 |
| Incom.inequality 9  |           |      |      |      |      | .597 |
| Incom.inequality 10   |           |      |      |      |      | .591 |
| Incom.inequality 8  |           |      |      |      |      | .541 |
| Extraction Method: Principal Component Analysis.                                      |           |      |      |      |      |      |
| Rotation Method: Varimax with Kaiser Normalization.                                   |           |      |      |      |      |      |
| a. Rotation converged in 8 iterations.  |           |      |      |      |      |      |
| b. Initial Eigenvalues=1.217, Extraction Sums of Squared Loadings=56.184              |           |      |      |      |      |      |
| c. KMO=0.909, Bartlett's Test of Sphericity (Chi-Square=2302.976, df=435, Sig.=0.000) |           |      |      |      |      |      |

Table 3 presents the results of the factor analysis for the research questionnaire. The Bartlett test was statistically significant (Sig.=0.000), and the Kaiser-Meyer-Olkin (KMO) coefficient was 0.909 (>0.5), indicating that the observed variables are correlated with each other in the population and, thus, the variables are valid for factor analysis. The factor loading of all variables was greater than 0.5, which means that the factor analysis is valid. Factor loading serves as the criterion to ensure the practical significance of factor analysis. A factor loading greater than 0.3 is considered the minimum threshold, while a loading greater than 0.4 is deemed important, and a loading exceeding 0.5 is regarded as having practical significance. Table 3 shows that all variables have a factor loading greater than 0.5, indicating that the factor analysis is valid. The Extraction Sums of Squared Loadings of six factors were 56.184% (>50%), indicating that the factors extracted can explain a significant amount of the variance in the data. The initial eigenvalues of six factors were 1.217 (>1.00), indicating that the factors extracted have eigenvalues greater than one and thus are valid. Overall, these results demonstrate the validity and suitability of the factor analysis for the proposed research model.

### Structural Equation Modeling

Structural equation modeling (SEM) is a widely used statistical method in the social sciences to analyze the relationships between variables in a complex system (Byrne 2016). It is a type of multivariate analysis that combines parts of regression analysis, factor analysis, and causal modeling (Kline 2015). In SEM, a set of equations are made to show how the variables in a system relate to each other (Arbuckle 2013). These equations can be used to estimate the strength and direction of the relationships between the variables and the degree to which underlying latent factors influence the associations (Hair et al. 2006). The equations in SEM can also predict changes in one variable based on changes in other variables, which is one of the key advantages of the method (Fornell and Larcker 1981). SEM can be used to test theories about the relationships between concepts and variables (Bartholomew 2011). It can also be used to test complex hypotheses about the relationships between variables in a system. Joreskog and Sorbom (1993) found that the results of SEM can give important insights into the mechanisms that drive complex systems and can be used to guide the development of theories and models for these systems. SEM can also help researchers identify indirect and mediating effects between variables as well as direct effects (Kenny 2015).

**Table 4: Regression Weights (Authors' survey dataset)**

|                        |      |                         | Estimate | SE.  | CR.   | P    |            |
|------------------------|------|-------------------------|----------|------|-------|------|------------|
| <i>Cult.corruption</i> | <--- | <i>Inti.Inadequate</i>  | .189     | .140 | 1.344 | .179 | Not Accept |
| <i>Cult.corruption</i> | <--- | <i>Meas.Inadequate</i>  | .357     | .125 | 2.859 | .004 | Accept     |
| <i>Cult.corruption</i> | <--- | <i>Tran.corruption</i>  | .156     | .120 | 1.301 | .193 | Not Accept |
| <i>Cult.corruption</i> | <--- | <i>Incom.inequality</i> | .289     | .156 | 1.855 | .064 | Accept     |
| <i>Anti.Enage</i>      | <--- | <i>Cult.corruption</i>  | .818     | .122 | 6.695 | ***  | Accept     |

To evaluate the goodness of fit of the structural equation model (SEM), several fit indices were utilized, including the Chi-Square ( $\chi^2$ ) test, Root-Mean-Square Error of Approximation (RMSEA), standardized-root-mean square residual (SRMR), Tucker-Lewis Index (TLI), and

Comparative Fit Index (CFI). A well-fitted model should have CFI and TLI  $\geq 0.90$  values and RMSEA and SRMR  $\leq 0.08$ . The analysis results, as shown in Figure 2, indicate that the SEM model satisfies the standard requirements. The Chi-square statistic= 494.613 with 394 degrees of freedom (P-value=0.000,  $< 0.05$ ), Chi-square/df ratio of 1.255, Goodness of Fit Index (GFI)=0.868 (approximately equal to 0.9), TLI=0.944, and RMSEA=0.036. The results of the SEM analysis are presented in Table 4, which shows the relationship between the variables *Inti.Inadequate* and *Cult.corruption*, as well as between the variables *Tran.corruption* and *Cult.corruption* (P-value  $> 0.050$ ). The remaining variables are statistically significant (P-value is approximately 0.060). Overall, the results suggest that the SEM model fits well with the data and provides a good representation of the proposed research model.

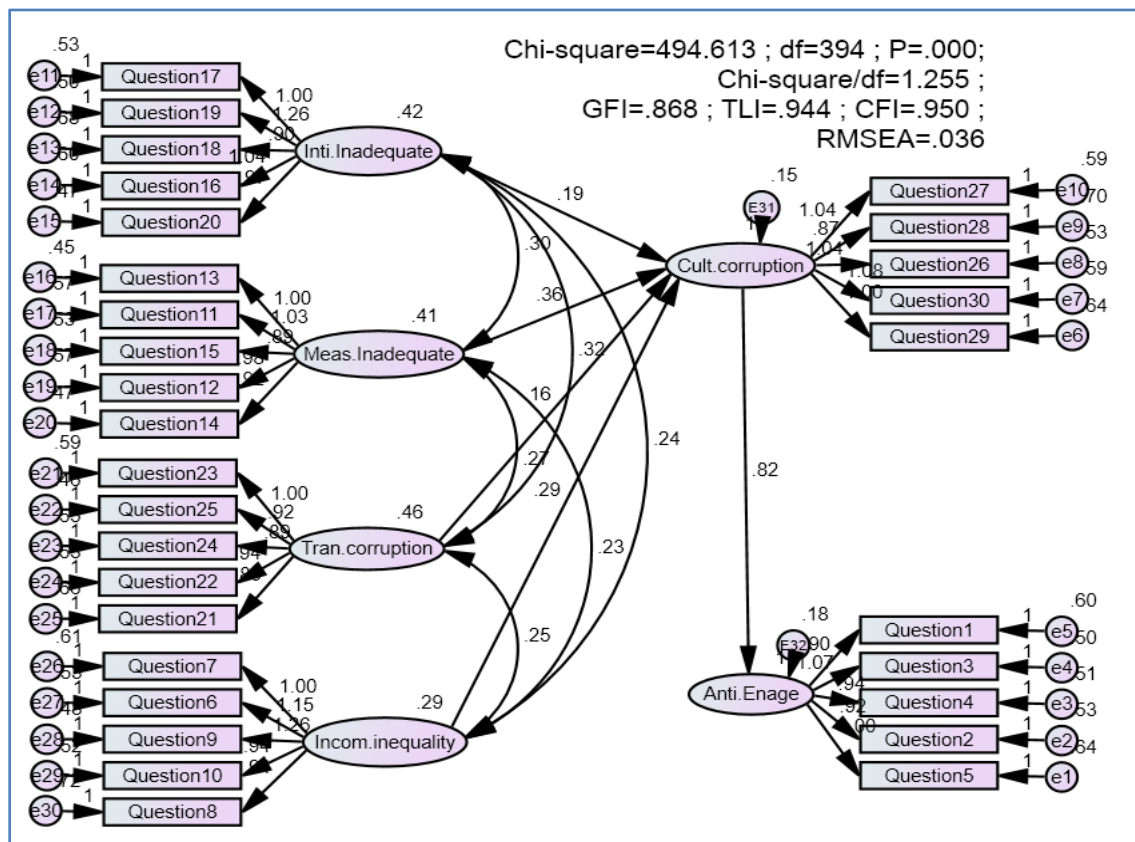


Figure 1: SEM Analysis Results (Authors' survey dataset)

## RESULTS AND DISCUSSION

### Results

Firstly, in the research results presented in Table 4, hypothesis H1 refers to the relationship between the variable *Inti.Inadequate* and the variable *Cult.corruption* (Brødsgaard 2017). This hypothesis suggests that if there are inadequate anti-corruption measures and enforcement, it should lead to a positive and significant impact on cultural and social norms in

anti-corruption (Clarke 2018). However, the results show that the p-value for this relationship is 0.179 (Barnett 2017), which is greater than the standard threshold of 0.05 for statistical significance (Ghasemi and Zahediasl 2012). This means there is insufficient evidence to support the hypothesis that *Inti.Inadequate* has a positive and significant relationship with *Cult.corruption* (Doig and Riley 1998). Therefore, the hypothesis is not accepted, and it can be concluded that there is no significant relationship between inadequate anti-corruption measures and enforcement and cultural and social norms in anti-corruption, based on the data analyzed (Chang et al. 2019).

Secondly, the study found that hypothesis H2, which suggests a positive and significant relationship between inadequate anti-corruption measures and enforcement and cultural and social norms in corruption, is supported by the data analyzed (Table 4). The regression coefficient of  $\beta=0.357$  with a p-value of 0.004 ( $<0.050$ ) indicates that the relationship between these variables is statistically significant. This finding is consistent with previous research, such as Transparency International's (2019) report on corruption in Vietnam, which identifies weak legal frameworks, limited institutional capacity, and low public awareness as contributing factors to the problem. Similarly, Tan-Mullins et al. (2014) highlight the lack of political will and enforcement capacity as major challenges to anti-corruption efforts in Vietnam. The consequences of inadequate anti-corruption measures and enforcement can be significant, as Gyimah-Brempong (2002) demonstrates. They found that Vietnam's corruption negatively affected economic growth, foreign direct investment, and income inequality. Therefore, the study's findings highlight the need for more robust anti-corruption measures and enforcement in Vietnam to address the issue and promote sustainable development.

Thirdly, Hypothesis H3 suggested that higher levels of corruption in government transactions would positively and significantly impact cultural and social norms in anti-corruption. However, the results presented in Table 3 show no significant relationship between variable *Tran.corruption* and *Cult.corruption* (p-value=0.193 $>0.05$ ). This indicates that the hypothesis H3 is not supported by the data analyzed. These findings are consistent with previous research on the topic, such as Aduda and Mukulu's (2016) study on corruption in Africa, which found no significant relationship between corruption and cultural norms.

Fourthly, the results presented in Table 4 indicate that hypothesis H4 is supported, which suggests a positive and significant relationship between the variables *Incom.inequality* and *Cult.corruption*. The regression coefficient  $\beta$  is 0.289, and the confidence p-value is 0.064, which is close to the standard threshold of 0.05 for statistical significance. This finding suggests that high-income inequality among public officials can positively impact cultural and social norms in anti-corruption. This result is consistent with previous research, showing that low public sector salaries and income disparities can incentivize corrupt behavior among public officials (Sakellariou and Fang 2014; Fjelde and Hegre 2014). For instance, public officials may be more likely to engage in bribery and other forms of corruption to supplement their income. Furthermore, research has demonstrated that public officials' salary levels can significantly impact the prevalence of corruption in a country (Bracci et al. 2022; Abbink 2000). The findings of this study are also in line with previous research that has highlighted the importance of transparency and accountability in anti-corruption efforts (Bauhr and Grimes 2014; Svensson 2005).

Fifthly, the research findings in Table 4 demonstrate that hypothesis H5 is supported, indicating a positive and significant relationship between the variables Cult. Corruption and Anti.Enage. The regression coefficient  $\beta=0.818$ , and the confidence p-value=0.00 ( $< 0.05$ ) for statistical significance. These results reveal that cultural and social norms in anti-corruption have a strong and positive impact on the engagement of corruption in the public sector. These findings are consistent with previous research showing that cultural and social norms play an important role in shaping individuals' attitudes and behaviors toward corruption (Lambsdorff 2003; Morris and Klesner 2010). In societies where corruption is widely accepted or even expected, individuals may be more likely to engage in corrupt practices themselves (Peters 2015).

Conversely, in societies where corruption is viewed as morally and socially unacceptable, individuals may be less likely to engage in corrupt practices and may be more likely to report corruption when they witness it (Pal and Spence 2020). These findings suggest that efforts to combat corruption and promote transparency and accountability in public institutions must be complemented by efforts to change cultural and social attitudes towards corruption and to promote a culture of integrity and a social norm of zero tolerance for corruption (World Bank 2020). Such efforts can include anti-corruption awareness campaigns, education and training programs, and the creation of institutional frameworks that promote ethical behavior (Collins 2012). In addition, addressing income corruption and ensuring that public officials are adequately compensated may be essential in promoting cultural and social norms that support anti-corruption efforts (Bracci et al. 2022; Abbink 2000). By providing public officials with a living wage and reducing the incentive to engage in corrupt practices, governments can help to create a culture of integrity and promote a social norm of zero tolerance for corruption (Sakellariou and Fang 2014).

## Discussion

The study's findings emphasize the crucial role of anti-corruption measures and enforcement in shaping cultural and social attitudes towards corruption in the public sector of Vietnam. Inadequate measures can contribute to normalizing and accepting corruption, which has significant negative consequences for the economy and society. Thus, the study underscores the need for more effective anti-corruption measures, institutional capacity, and public awareness to combat corruption in Vietnam. By addressing these challenges, policymakers can promote a culture of integrity and a social norm of zero-tolerance for corruption, leading to sustainable development and prosperity for all. Previous research on corruption in Vietnam supports the study's findings. Transparency International (2019) identifies weak legal frameworks, limited institutional capacity, and low public awareness as contributing factors to the problem. Tan-Mullins et al. (2014) highlight the lack of political will and enforcement capacity as major challenges to anti-corruption efforts in Vietnam. Gyimah-Brempong (2002) demonstrates that corruption in Vietnam negatively affects economic growth, foreign direct investment, and income inequality. Efforts to combat corruption must be multi-faceted and include legal and social measures.

Vietnam must legally develop a more robust and effective framework to address corruption, incorporating stronger penalties and more efficient enforcement mechanisms (Doig and Riley 1998). Socially, the government and civil society organizations must work together to raise awareness about the negative impact of corruption and promote a culture of transparency, accountability, and integrity in public institutions (Ninh 2019). In conclusion, the study's findings underscore the necessity for stronger anti-corruption measures and enforcement in Vietnam, along with heightened public awareness and a transformation of cultural and social perspectives regarding corruption. By undertaking these measures, policymakers can foster a fairer and more prosperous society for all Vietnamese citizens. Additionally, this finding emphasizes the need for policies that promote income equality and fair compensation for public officials to reduce the incentives for corrupt behavior (Sakellariou and Fang 2014; Fjelde and Hegre 2014). By addressing income inequality and improving transparency and accountability in the public sector, policymakers can promote a culture of integrity and anti-corruption, leading to sustainable development and economic growth in Vietnam (Bauhr and Grimes 2014; Svensson 2005). This result is consistent with previous research, showing that low public sector salaries and income disparities can incentivize corrupt behavior among public officials (Bracci et al. 2022; Abbink 2000). For instance, public officials may be more likely to engage in bribery and other forms of corruption to supplement their income.

Furthermore, research has demonstrated that public officials' salary levels can significantly impact the prevalence of corruption in a country (Bracci et al. 2022; Abbink 2000). Previous research (Bauhr and Grimes 2014; Svensson 2005) has also shown how important transparency and accountability are in fighting corruption (Bauhr and Grimes 2014; Svensson 2005). So, the results of this study are also in line with those studies.

Based on this finding, it is possible to conclude that there is no significant relationship between inadequate anti-corruption measures and enforcement and anti-corruption cultural and social norms (Doig and Riley 1998; Chang et al. 2019). These results suggest that efforts to combat corruption must improve anti-corruption measures and enforcement and change cultural and social attitudes toward corruption (Peters 2015). This can include promoting a culture of integrity and a social norm of zero-tolerance corruption through education, awareness campaigns, and creating institutional frameworks that promote ethical behavior (Collins 2012; World Bank 2020).

As with any empirical study, it is important to acknowledge the limitations of this research when interpreting its findings. Firstly, the survey method used in this study relied on subjective responses from the participants, which may introduce some inherent biases and limitations (Sekaran and Bougie 2016). Moreover, the data collection was limited to a single point in time, which could affect the analysis and interpretation of the results (Taylor-Powell 2003). Burns and Bush (2014) suggested that future studies could address this issue by incorporating cross-sectional and longitudinal methods to achieve a more comprehensive understanding.

Furthermore, the purposeful sampling method used in this study has some limitations and may not fully reflect the population characteristics (Patton 2014). It is also important to note that the cultural context of Vietnam was taken into account, and caution should be exercised when applying the research findings to other countries and cultures (Hofstede 2011).



In addition, this study did not investigate demographic variables such as age, gender, occupation, and income, which could have provided more comprehensive information about anti-corruption in the public sector in Vietnam (Lambsdorff 2006). Future research should consider including these variables to further advance our understanding of corruption in this context (Upadhyai et al. 2019).

## CONCLUSION

Corruption in Vietnam is a major problem that stems from various causes. One major challenge is the inadequate enforcement of anti-corruption measures, which creates an environment where corrupt practices can take root (Park 2016). In addition, certain cultural and social attitudes may contribute to a greater likelihood of engaging in corrupt behavior (Hoang et al. 2022). However, reducing corruption in Vietnam requires more than just enforcement. Income inequality among public officials can also contribute to corruption, as it creates a situation where some people feel entitled to take advantage of their position (Hoang et al. 2022). It is essential to ensure public officials are held accountable and not exploiting their positions for personal gain (Raykov 1997). Promoting anti-corruption cultural and social norms can also make a big difference in reducing corruption. Educating the public and creating a cultural environment where corruption is seen as unacceptable makes people less likely to engage in corrupt practices as adults (Hoang et al. 2022). This approach is about more than just punishing bad behavior; it is also about encouraging good behavior.

Despite efforts to address corruption in Vietnam, research has found no significant relationship between anti-corruption measures and cultural and social norms (Huss et al. 2020). Merely enacting laws and policies to combat corruption is insufficient to transform societal attitudes toward corruption in Vietnam. Instead, a comprehensive approach is necessary, which delves into the underlying causes of corruption, including cultural and historical factors. Similarly, promoting greater transparency and accountability in the public sector is important, but studies have found no significant relationship between transparency and accountability and cultural and social norms in Vietnam (Paterson et al. 2019). This highlights the need for additional strategies, such as public education campaigns and cultural interventions, to promote a more ethical and transparent society. In summary, tackling corruption in Vietnam requires a holistic approach that addresses both structural and cultural factors. A real difference can be made, and a better future can be given to Vietnam if efforts are made to make incomes more equal, corruption is fought more effectively, and a culture of honesty and openness is encouraged.

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### **Statement of Human Rights:**

This article does not contain any studies with human participants performed by any authors.

### **Statement on the Welfare of Animals:**

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Informed consent was obtained from all individual participants included in the study.

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# RELATIONSHIP BETWEEN INNOVATION AND FINANCIAL PERFORMANCE IN THE GLOBAL ENVIRONMENT OF EXPORTING COMPANIES

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**Abstract:** *This research aimed to measure the impact of innovations (product innovation, technological innovation, marketing innovation, and process innovations) on the financial performance of exporting enterprises. It was based on return on assets (ROA), increase in return on sales, net profit, and increases in value per employee. The research was carried out based on primary data through the quantitative method. The study's participants were 150 Kosovo exporting companies selected randomly. Based on Pearson's correlation analysis, it was found that there is a weak positive linear relationship between organizational innovations and product innovation, and financial performance. Additionally, a moderate positive linear relationship exists between marketing innovations, process innovations, and financial performance. Referring to the multiple linear regression, it was revealed that innovations explain 46.7% of financial performance. Process and marketing innovation had the greatest impact on financial performance, while organizational innovation had a lesser impact. The findings of this research contribute to improving the financial performance of exporting companies in Kosovo, focusing on the type of innovation that most influences performance.*

**Keywords:** *Organizational Innovation; Marketing Innovation; Product Innovation; Process Innovation; Financial Performance; Exporting Companies*

## INTRODUCTION

In the competitive environment, innovation is regarded as the primary indicator for value creation and a significant competitive component (Sandvik and Sandvik 2003). The influence of innovations on financial performance is considered a crucial topic in the literature, as various studies have yielded varying findings (Hult, Hurley, and Knight 2004; Hernández-Espallardo and Delgado-Ballester 2009).

The recent literature provides evidence that the financial performance of enterprises has been the dependent variable in empirical studies, with ample evidence indicating a positive relationship between innovations and financial performance (Bigliardi 2014). Several researchers have focused on examining the extent to which innovations enhance the financial performance of enterprises (Rosenbusch, Brinckmann, and Bausch 2011; Gronum, Verreynne, and Kastle 2012), providing scientific evidence that innovations are significant determinants of companies' financial performance, with innovative companies outperforming non-innovative ones (Mansury and Love 2008; Calabrese et al. 2013).

Even though many researchers have studied the impact of innovations on the financial performance of enterprises, the relationship between them continues to be a topic of discussion



because the existing literature identifies not only positive relationships but also negative and no impact (Canh et al. 2019; Bigliardi, Ferraro, et al. 2020; YuSheng and Ibrahim 2020).

In the studies of the authors Atuahene-Gima (2001), Pittaway et al. (2004), Guo et al. (2005), Li, López-Nicolás, Meroño-Cerdán (2011), Rosenbusch et al. (2011), Gronum et al. (2012), a positive correlation has been identified between innovations and financial performance (Atuahene-Gima 1996; Pittaway et al. 2004; Rosenbusch, Brinckmann, and Bausch 2011; Gronum, Verreynne, and Kastle 2012), in the studies Meyer, Roberts (1986), McGee et al. (1995), Danneels, Kleinschmidt, (2001), Min et al. (2006), Vermeulen et al. (2006) a negative correlation has been identified (Meyer and Roberts 1986; McGee, Dowling dhe Megginson 1995; Danneels and Kleinschmidt 2003; Min, Kalwani, and Robinson 2006; Vermeulen, De Jong and O'shaughnessy 2005), whereas Birley, Westhead (1990), Cooper, Kleinschmidt (1993), and Calantone et al. (1994), in their studies, did not identify a clear correlation (Birley and Westthead 1990; Cooper and Kleinschmidt 1993; Calantone, di Benedetto and Bhoovaraghavan 1994).

Since the relationship between innovation and financial performance is not very clear, this research aims to measure the impact of innovations (product innovation, technological innovation, marketing innovation, and process innovations) on the financial performance of exporting enterprises by was based on ROA, increase in return on sales, Net Profit and increases in value per employee. In this way, through this research, it is claimed to provide a specific overview of the impact of innovations on financial performance and fill the gap in the literature.

## LITERATURE REVIEW

Innovation is widely recognized as a crucial factor in creating a competitive advantage, allowing companies to establish and maintain a leading position in the market (Helfat and Peteraf 2002; Fagerberg and Mowery 2006). Moreover, innovation can act as a substitute for competitors by introducing novel solutions and advancements (Pla-Barber and Alegre 2007).

Many researchers have studied the relationship between innovation and a firm's performance to better see changes due to the intensification of globalization when the search for innovation has expanded (Fagerberg and Mowery 2006; Fleury and Fleury 2011), where many researchers have suggested that the characteristics of internationalization may be important to more clearly understand the link between innovations and financial performance (Mahlich 2009).

To explore the correlation between innovation and financial performance, this study specifically examined four types of innovations: product innovation, technological innovation, marketing innovation, and process innovation.

Organizational innovation entails the implementation of rules or procedures in an organization's external and internal environment (OECD 2005). According to the research of Schmidt and Rammer (2007), organizational innovation as a non-technological innovation influenced the stimulation of process and product innovation, bringing better business results and positively affecting the enterprise's financial performance (Schmidt and Rammer 2007). Based on this, the Hb hypothesis was built: There is a statistically significant relationship that product innovations affect financial performance.

Product innovation refers to enhancing or introducing new goods or services, improving upon existing offerings, or introducing entirely novel ones (Duranto and Puga 2001). Studies

have long highlighted the positive influence between product innovation and a firm's financial performance (Ettlie and Reza 1992). Likewise, Alamdari and Fagan (2005) researched the relationship between these variables and identified positive relationships (Alamdari and Fagan 2007). Even the authors Bayus, Erickson, and Jacobson (2003) and Varis and Littunen (2010) in their research proved that product innovation has a positive relationship with financial performance (Bayus, Erickson, and Jacobson 2001; Varis and Littunen 2010). Based on this, the  $H_b$  hypothesis was built: There is a statistically significant relationship that product innovations affect financial performance.

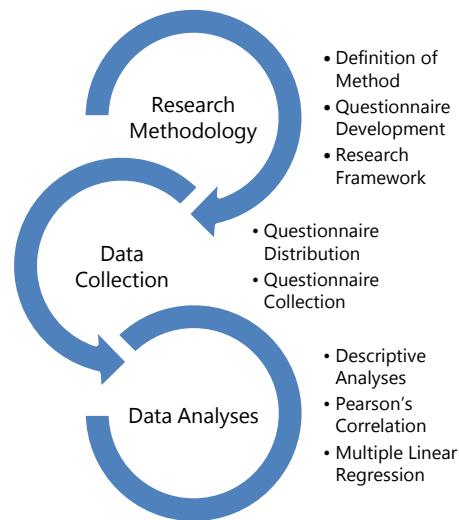
Marketing innovation involves implementing changes in packaging, promotional activities, design, pricing, and product placement. Varis and Littunen (2010) found a positive correlation between marketing innovation and financial performance in their research (Varis and Littunen 2010). Walker (2005) conducted a study and found a significant impact of marketing innovation on firm performance, leading to an improved market position relative to the competition. Based on the literature, hypothesis  $H_c$  was formulated: There is a statistically significant relationship that marketing innovations affect financial performance.

Process innovation is a novel practice that aims to enhance production and transportation by implementing software techniques or equipment changes. It is focused on improving operational efficiency and effectiveness within an organization (OECD 2005). Process innovations are attributed to introducing new processes to increase efficiency or expand the market (Mwaniki and Wamiori 2018). Ar and Baki (2011) found that process innovation has a positive effect on increasing financial performance (Ar and Baki 2011). Based on the literature, hypothesis  $H_d$  was built: There is a statistically significant relationship that process innovations affect financial performance.

## RESEARCH METHODOLOGY

This research utilized a quantitative approach, relying on primary data collection. The quantitative method was chosen due to its significance in addressing the research problem by generating numerical data or data that can be transformed into actionable statistics. This method enables the measurement of data, the inference of facts, and the exploration of various research models. A subset of the study included 150 Kosovo companies engaged in export activities within various markets. The selection of these companies was conducted using a random sampling method.

The structured questionnaire was utilized as a measuring instrument created using Google Forms. The processing and analysis of the collected data were conducted using SPSS. The questionnaire was formulated using a Likert frequency scale, ranging from 1 (never) to 5 (always). The questionnaire is structured into three sections. The first section includes demographic data such as gender, age, and education. The second section comprises questions about the innovation process, including product, organizational, marketing, and process innovation. Lastly, the third section consists of questions about financial performance. The methodological process of the research is illustrated in Figure 1, showcasing the various stages involved.



**Figure 1: Flowchart of Research Methodology (Source: Author's depiction)**

This research aims to achieve the following objectives and test the following hypotheses:

Objective: To measure the impact of innovations on financial performance.

- Objective a: To measure the impact of organizational innovations on financial performance.
- Objective b: To measure the impact of product innovations on financial performance.
- Objective c: To measure the impact of marketing innovations on financial performance.
- Objective d: To measure the impact of process innovations on financial performance.

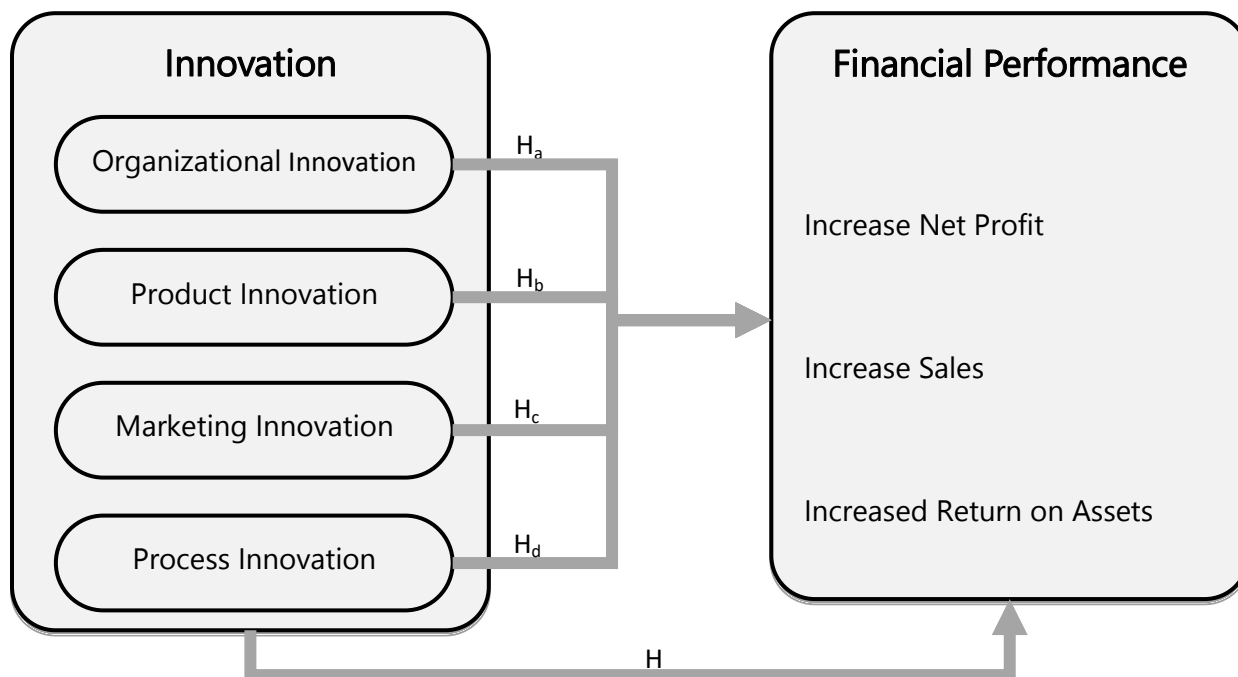
Research question: How do innovations affect financial performance?

- Research question a: How do organizational innovations affect financial performance?
- Research question b: How do product innovations affect financial performance?
- Research question c: How do marketing innovations affect financial performance?
- Research question d: How do process innovations affect financial performance?

H: There is a statistically significant relationship that innovations affect financial performance.

- $H_a$ : There is a statistically significant relationship that organizational innovations affect financial performance.
- $H_b$ : There is a statistically significant relationship that product innovations affect financial performance.
- $H_c$ : There is a statistically significant relationship that marketing innovations affect financial performance.
- $H_d$ : There is a statistically significant relationship that process innovations affect financial performance.

Definition of variables: Financial performance serves as the dependent variable in this study, whereas innovation is considered the independent variable. The logical connection between the independent and dependent variables can be found in the framework below.



**Figure 2: Framework of Research (Source: Author's depiction)**

The results were presented using tabular and graphical forms, which include descriptive analysis, percentage frequency, and absolute frequency. The reliability of the measuring instrument was assessed using the Cronbach Alpha coefficient, and the data distribution was tested using the Kolmogorov-Smirnov normality test. Pearson's correlation was employed to validate the hypotheses and measure the relationship between independent and dependent variables. Multiple linear regression was utilized to assess the impact of innovations (technological, product, marketing, process innovation) on financial performance.

## RESULTS AND DISCUSSION

The reliability of the measuring instrument is considered very important as it serves as the basis for all the results obtained, providing scientific certainty when interpreting and discussing the findings. The measuring instrument's reliability is determined using the Cronbach Alpha coefficient, whereby a total value of  $\alpha=0.901$  indicates that the measuring instrument exhibits internal reliability.

**Table 1: Reliability of the Instrument (Source: Author's calculations)**

| Variables                 | Cronbach Alpha |
|---------------------------|----------------|
| Organizational Innovation | 0.913          |
| Product Innovation        | 0.903          |
| Marketing Innovation      | 0.900          |
| Processes Innovation      | 0.869          |
| Financial Performance     | 0.921          |
| <b>Total</b>              | <b>0.901</b>   |

Participants in the research were 150 managers of exporting companies from Kosovo, where 36.66% (n=55) were women and 63.33% (n=95) were men. In terms of age distribution, 6.66% (n=10) were aged 18-27, 14.66% (n=22) aged 28-37, 52% (n=78) aged 38-47, 20% (n=30) aged 48-57 years and 6.66% (n=10) aged over 50 years. The educational distribution of the respondents was higher at the master's level, where 53.3% (n=83) had completed the master's level, 43.3% (n=65) had a bachelor's education, and 1.33% (n=2) had secondary education.

**Table 2: Respondent Characteristics; Note: N=150 (Source: Author's calculations)**

|                           |                   | N  | Percent (%) |
|---------------------------|-------------------|----|-------------|
| <b>Gender</b>             | Female            | 55 | 36.66       |
|                           | Male              | 95 | 63.33       |
| <b>Age</b>                | 18 - 27 years old | 10 | 6.66        |
|                           | 28-37 years old   | 22 | 14.66       |
|                           | 38-47 years old   | 78 | 52          |
|                           | 48-57 years old   | 30 | 20          |
|                           | Over 58 years old | 10 | 6.66        |
| <b>Level of Education</b> | High School       | 2  | 1.33        |
|                           | Bachelor          | 65 | 43.33       |
|                           | Master            | 83 | 55.33       |

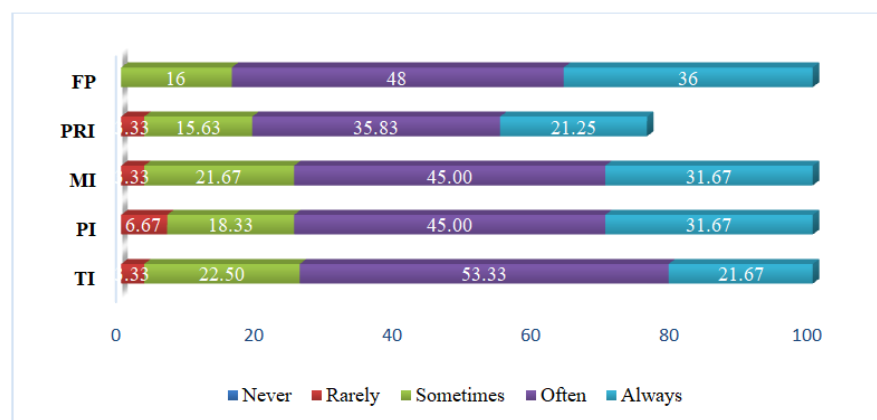
According to the descriptive analysis, the average of Organizational Innovations is  $x=3.94$  and  $SD=.532$ , which means that above the average level managers have agreed that they improve the processes and procedures of activities, which improve the management of the supply chain, the information and communication system within and outside the company as well as improve the organization and change responsibilities and tasks in order to improve teamwork. The mean of product innovations is  $x=4.03$  with a standard deviation of  $SD=.596$ , indicating that the quality of products/services is increased above the average level. In this regard, improvements are made in the components and materials of existing products/services; innovations are developed to enhance the use and customer satisfaction; new products/services with distinct technical specifications and functionalities from the current ones are developed, and new products/services with entirely different components and materials are introduced. When referring to the average of innovations in marketing, it can be observed that the average value for this category is  $x=4.06$ , with a standard deviation of  $SD=.537$ .

This indicates that Kosovo companies that export goods can enhance their marketing efforts above the average level. Specifically, they focus on improving the design of current products in all aspects, enhancing distribution channels without altering logistics, refining processes related to product delivery, and adopting effective product/service promotion techniques to promote their products effectively. The last category within innovations is process innovation, where the average is  $x=4.17$  and  $SD=.561$ , where this average also shows an above-average level; exporting companies eliminate activities that do not add value to production processes, reduce costs variable in production processes, techniques, machinery, and software, increase production quality in production processes, techniques, machinery, and software as well as reduce variable costs and increase delivery speed. Whereas the dependent variable, which is financial performance, has an average of  $x=4.20$  and  $SD=.448$ , which means that above the average level, managers have agreed that companies have increased net profit, increased sales return, increased return on assets, increased value for employees and increasing the organization's return on assets (ROA). According to the statistics, organizational innovation received the lowest score among all the other categories.

**Table 3: Descriptive Statistics (Source: Author's calculations)**

|                           | N   | Minimum | Maximum | Mean   | Std. Deviation |
|---------------------------|-----|---------|---------|--------|----------------|
| Organizational Innovation | 150 | 3.00    | 4.75    | 3.9417 | 0.53283        |
| Product Innovation        | 150 | 2.75    | 5.00    | 4.0333 | 0.59618        |
| Marketing Innovation      | 150 | 2.75    | 4.75    | 4.0667 | 0.53773        |
| Processes Innovation      | 150 | 2.50    | 5.00    | 4.1750 | 0.56145        |
| Financial Performance     | 150 | 3.20    | 5.00    | 4.2000 | 0.44871        |

According to the results presented in the figure below, about 70% of the managers of exporting enterprises have proved that they have an orientation in innovations, specifically in product, technological, marketing, and process innovations. As for financial performance, managers have stated that they have good financial performance, which means increased net profit, increased sales return, increased return on assets, increased value for employees, and increased return on organizational assets (ROA).



**Figure 3: Level of Agreement for Innovation and Financial Performance (Source: Author's calculations)**

A normality test, specifically the Kolmogorov-Smirnov test, was conducted to determine the distribution of the data. As a result yielded a p-value greater than 0.05, indicating a normal distribution, the condition is met for utilizing Pearson's correlation and multiple linear regression.

Pearson's correlation was used to test the relationship between innovations and financial performance as a dependent variable. The correlation coefficient between organizational innovations and financial performance is  $r=.309$ , which indicates a weak positive relationship between the variables. The value of the coefficient  $r=.383$  also shows a weak relationship between product innovations and financial performance. The correlation coefficient between marketing, process, and financial performance innovations indicates a moderate positive relationship. The significance value, which is less than 0.01, confirms the reliability of the results.

**Table 4: Correlation Matrix (Source: Author's calculations)**

|     | TI     | PI     | MI     | PRI    | FP |
|-----|--------|--------|--------|--------|----|
| TI  | 1      |        |        |        |    |
| PI  | .501** | 1      |        |        |    |
| MI  | .350** | .215** | 1      |        |    |
| PRI | 0.034  | .471** | .260** | 1      |    |
| FP  | .309** | .383** | .559** | .573** | 1  |

\*\* . Correlation is significant at the 0.01 level (2-tailed).

According to Table 5, the R-squared value indicates the percentage of financial performance explained by innovations, specifically product, technological, process, and marketing innovation. It is observed that innovations influence 46.7% of the financial performance of exporting enterprises, while the remaining portion is dependent on variables not included in the model. The Durbin-Watson test also suggests that the model does not exhibit autocorrelation issues.

**Table 5: Model Summary b (Source: Author's calculations)**

| Model | R                 | R Square | Adjusted R Square | Std. Error of the Estimate | Change Statistics |          |     |     | Sig. F Change | Durbin-Watson |
|-------|-------------------|----------|-------------------|----------------------------|-------------------|----------|-----|-----|---------------|---------------|
|       |                   |          |                   |                            | R Square Change   | F Change | df1 | df2 |               |               |
| 1     | .683 <sup>a</sup> | 0.467    | 0.452             | 0.33220                    | 0.467             | 31.712   | 4   | 145 | 0.000         | 1.589         |

a. Predictors: (constant) processes innovation, organizational innovation, marketing innovation, product innovation

b. Dependent Variable: financial performance

According to ANOVA, referring to the value  $F=31.712$ ,  $df(4, 145)$  and the significance  $p=0.000$  shows that the model is significant. From the regression table, if the values of technological, product, marketing, and process innovations will be 0, the financial performance will be 0.991 units. The financial performance will increase with each innovation, except for the product innovation excluded from the model due to the increased significance value.

**Model:**

$$y = \beta_0 + \beta_1 * x_1 + \beta_2 * x_2 + \beta_3 * x_3 + \varepsilon$$

$$y_{(FP)} = .991 + 0.176 * x_{1(TI)} + 0.215 * x_{2(MI)} + 0.405 * x_{3(PRI)}$$

**Table 6: Multiple Linear Regression (Source: Author's calculations)**

| Model |            | Unstandardized Coefficients |            | Standardized Coefficients | t      | Sig.  |
|-------|------------|-----------------------------|------------|---------------------------|--------|-------|
|       |            | B                           | Std. Error | Beta                      |        |       |
| 1     | (Constant) | 0.991                       | 0.298      |                           | 3.327  | 0.001 |
|       | TI         | 0.176                       | 0.065      | 0.209                     | 2.695  | 0.008 |
|       | PI         | -0.012                      | 0.062      | -0.017                    | -0.199 | 0.842 |
|       | MI         | 0.215                       | 0.056      | 0.258                     | 3.812  | 0.000 |
|       | PRI        | 0.405                       | 0.059      | 0.506                     | 6.816  | 0.000 |

a. Dependent Variable: Financial Performance

According to the multiple linear regression, the research hypothesis has been proven since there is a statistically significant correlation that innovations affect financial performance, where the biggest influence was the innovation of the process and then that of marketing. Due to  $p > 0.05$ , product innovation is excluded from the model.

**CONCLUSION**

Based on the research findings, organizational innovation had the lowest average of the other types of innovations. However, the result shows that above the average level, the exporting enterprises are oriented to improving processes, procedures, and activities, to improving supply management, and the system of communication inside and outside the company. Also, they are oriented to the improvement of the organization and the change of responsibilities in the function of the improvement. As for product innovation, exporting companies in Kosovo are oriented towards increasing the quality of products or services, developing innovations for products or services, and developing products or services with technical specifications and functionalities different from the current ones.

As for marketing innovations, it is considered among the innovations with the greatest application in exporting companies in Kosovo, along with process innovation. These companies are highly oriented to improving product designs, distribution, and delivery channels, improving product or service promotion techniques, eliminating activities that have no added value in production processes, reducing variable costs, increasing production quality, and increasing delivery speed.

Pearson's correlation analysis shows a weak positive linear relationship between organizational innovations, product innovation, and financial performance. A moderate positive linear relationship exists between marketing innovations, process innovations, and financial performance. When referring to the multiple linear regression, it was found that 46.7% of the



financial performance is explained by innovations, with the greatest impact observed from process and marketing innovation, followed by organizational innovation. Product innovation was removed from the model due to its increased significance value.

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This article does not contain any studies with human participants performed by any authors.

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# THE IMPACT OF THE RUSSIAN-UKRAINIAN CONFLICT ON ARMENIA'S FOREIGN TRADE: A QUANTITATIVE ANALYSIS

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**Abstract:** *This article aimed to provide a quantitative assessment of the impact of the Russian-Ukrainian conflict on Armenia's foreign trade. The research problem was to analyze how the conflict influenced Armenia's export and import patterns regarding geographical directions and product structure. The objectives were to examine the changes in trade turnover and identify shifts in geographical trade directions and trade structure. The study employed various statistical analysis tools, including dynamic series indicators, structural analysis, time series modeling, trend and moving average approximation, and extrapolation. Through these methods, the study evaluated the effects of the conflict on Armenia's foreign trade. The key results indicated a positive impact of the conflict on trade turnover, with increased trade activity in various geographical directions. Export diversification was also observed as a result of the conflict. Notably, re-export played a significant role in the unprecedented growth of Armenia's trade turnover during this period. In conclusion, the findings suggest that the Russian-Ukrainian conflict had a discernible influence on Armenia's foreign trade, leading to changes in trade patterns and increased trade activity. The study highlights the importance of the re-exports role in analyzing trade dynamics.*

**Keywords:** Armenia; Foreign Trade; Russian-Ukrainian Conflict; Trend Analysis; Approximation; Forecasting

## INTRODUCTION

The current Russian-Ukrainian conflict has significantly impacted the economies of neighboring countries, including the Republic of Armenia (RA). The ongoing conflict has created challenges and opportunities for RA's foreign trade. This study aims to analyze the impact of the Russian-Ukrainian conflict on RA's foreign trade, focusing on the changes in export and import volumes, as well as the shifts in product structure and trade geography.

Previous studies have analyzed the effects of conflicts and political instability on trade, both globally and regionally; however, few studies have specifically focused on the impact of the Russian-Ukrainian conflict on the economies of neighboring countries.

The Republic of Armenia, a landlocked country in the South Caucasus region, shares borders with Iran, Georgia, Turkey, and Azerbaijan. Its strategic location renders it an important transit route for regional trade, particularly for the countries of the South Caucasus and Central Asia. Furthermore, the Russian Federation and Ukraine hold significant roles as trading partners for RA, with the former serving as its largest trading partner.

Given the ongoing conflict between Russia and Ukraine, examining the effects of this conflict on RA's foreign trade is imperative. This study aims to bridge this research gap by analyzing the alterations in RA's foreign trade, focusing on the impact of the Russian-Ukrainian



conflict on trade volumes, product structure, and trade geography. The findings of this study will make valuable contributions to the existing literature on the consequences of conflicts on trade, shedding light on the challenges and opportunities neighboring countries encounter in such circumstances.

## LITERATURE REVIEW

The ongoing Russian-Ukrainian conflict has significant effects on neighboring countries, including Armenia. Studying and evaluating the consequences of the Russian-Ukrainian conflict is an extremely pressing issue, as its effects are ongoing. Many authors have recently addressed this topic, but most works are predictive, as they rely on statistical information from previous periods to make judgments about the future.

The present literature review synthesizes and summarizes several articles examining the Russian-Ukrainian conflict's impact on Armenia's economy and food security. Specifically, in the article titled "Armenia-Ukraine Trade in the Context of the Russian-Ukraine Conflict", the author Movsisyan (2022) investigated the structure of Ukraine's foreign trade and the product structure of Armenia-Ukraine trade circulation to understand the consequences of the conflict on Armenia's import and export markets. Therefore, Movsisyan concluded that Armenia's poultry market would suffer due to the decline in the import of low-priced poultry from Ukraine. Additionally, reducing tobacco imports could potentially create opportunities for local production.

In the study "The Impact of Russia's War in Ukraine on the Armenian Economy" (Ktoyan, Shirinyan, and Khachatryan 2023), the authors suggest that Armenia will face new challenges in foreign trade management in the context of the Russian-Ukrainian conflict. They think that due to bans (sanctions) on importing various goods to the Russian market, an opportunity has been created for supplying many products to the Russian market since Armenia is viewed as a transit country.

In the article titled "The Russian-Ukrainian Conflict and the Risks of Food Security in Armenia" (Avetisyan and Salnazaryan 2022), the authors highlighted the significant and evident risks to Armenia's food security resulting from the conflict, suggesting that increasing export diversification and providing subsidies to local producers in import substitution would address this issue.

Furthermore, in the article "Economic Vulnerability to the Russian-Ukrainian War" (Raga, Sherillyn, and Pettinotti 2022), the vulnerability index was employed to identify Armenia as the most vulnerable party to the conflict.

An article discussing the geopolitical impact of the conflict on the Black Sea region, emphasizing that Armenia faces more challenges due to its close relationship with Russia, the RA-Azerbaijan conflict, and other factors should also be highlighted (Khilko et al. 2022).

Despite recent studies on the issue, there is a need for a quantitative analysis to determine the impact of the conflict on Armenia's foreign trade. Notably, this research analyzes the latest available data from 2022, and the work is objective and data-driven. Overall, this article provides valuable insights into the impact of the conflict on Armenia's economy and suggests potential solutions to mitigate its negative effects.

## METHODOLOGY

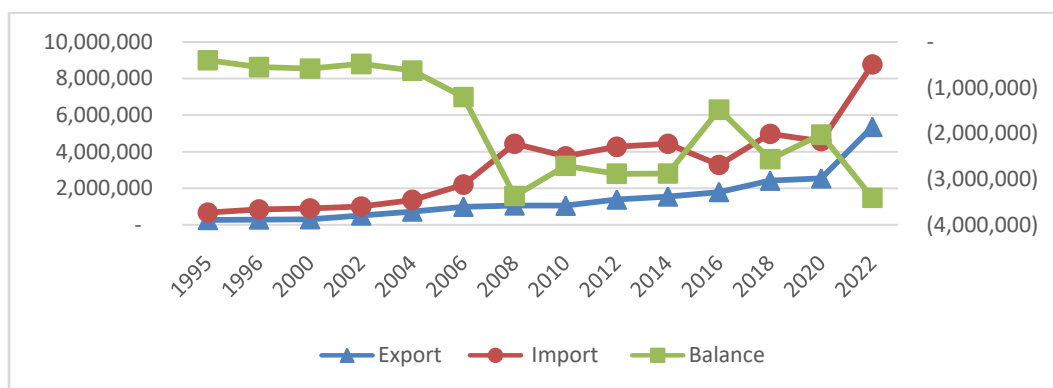
The research methodology used in this study involves a quantitative analysis of annual time series indicators characterizing RA's foreign trade turnover (Eliseeva et al. 2010). This analysis aimed to estimate the cumulative effect of the Russian-Ukrainian conflict on RA's foreign trade, using chain and base indicators of dynamics. To better understand the impact of the conflict, the study employed the structural analysis method, which involved examining the country and product factors that contributed to changes in RA's foreign trade turnover. The structural analysis method is powerful for examining the underlying factors contributing to economic indicator changes. By analyzing the country and product factors that influenced changes in RA's foreign trade turnover, the study was able to identify specific drivers of the observed trends and make predictions about future developments.

To approximate the changes in foreign trade turnover, the study utilized trend and moving average approximation methods (Ayvazyan 2010) and made forecasts based on these approximations (Marchenko et al. 2018). By comparing the predicted and actual values for 2022, the study was able to assess the role of different factors in the growth of foreign trade turnover and evaluate the accuracy of the forecasts.

Overall, the research methodology used in this study allowed for a detailed and comprehensive analysis of the impact of the Russian-Ukrainian conflict on RA's foreign trade and provided valuable insights into the factors that contributed to changes in foreign trade turnover. Using statistical analysis tools and forecasting techniques ensured that the results were objective and based on actual indicators rather than being predetermined.

## ANALYSIS

To commence, Figure 1 presents the dynamics of the Republic of Armenia's (RA) primary foreign trade indicators, showcasing a growth trend for exports, imports, and trade balance throughout the studied period.



**Figure 1: The Dynamics of RA Export, Import, and Trade Balance in 1995-2022**  
(Source: SC of RA database 2023)

The export dynamics series' average value is 1.318 million dollars, with an average growth rate of 11.9%, indicating an average yearly increase of 189 million dollars in exports. It is noteworthy that in 2022, compared to 2021, exports increased by 2,344 million dollars or 78%, which is the maximum increase for the observed period. The minimum export increase was recorded in 2009 due to the financial crisis, where exports decreased by 347 million dollars. Interestingly, in 2022, compared to 1995, exports increased by 5,099 million dollars or by 1955%.

The maximum value of the import dynamics series was recorded in 2022, reaching 8,769 million dollars. The average growth rate of imports is 10%, with an average absolute growth of 300 million dollars. In 2022, compared to 2021, imports increased by 3,406 million dollars or by 64%, which is the maximum increase for the period under consideration. However, a decrease in import volumes was observed in 2015, with a decrease of 1,185 million dollars. It is worth noting that imports from Georgia, Russia, and Switzerland decreased the most, with 197 million dollars, 153 million dollars, and 149 million dollars, respectively. Moreover, the Russian Federation, Georgia, and Switzerland are the top 1st, 3rd, and 13th import destinations. In 2022, compared to 1995, imports increased by 8,106 million dollars or 1223%.

RA has been identified as a net importer, with an average import exceeding exports 2.3 times. This is evident from the maximum and minimum values of import and export ratios which are 1:64:1 and 3:14:1, respectively. Import levels were observed in years when export levels were low - average or above average. For instance, in 2006-2008, imports increased by 246%, while export increased by 8.5%. On the other hand, a sharp decline in imports was accompanied by a steady growth rate of exports, as observed in 2015-2016.

The impact of the shock on the foreign trade turnover of the Republic of Armenia (RA) in 2022 can be assessed by examining geographical and product factors, along with aggregated indicators such as exports and imports. To accomplish this, an analysis will be conducted on the directions of RA's foreign trade and the structure of its products.

## Analysis of the Geography of Armenia's Foreign Trade

### *Exports*

The analysis reveals that the top 20 partner countries account for 95% of Armenia's total exports. These countries have remained relatively stable throughout 2017-2022, with the top 5 including Russia, Switzerland, Bulgaria, China, and the United Arab Emirates. However, only Russia has maintained a stable position among these countries throughout the entire period from 1995 to 2022.

**Table 1: Top 20 Export Destinations of RA in 2017-2022 (cumulative) (Source: Authors' calculations)**

| Country/Position      | Cumulative Value<br>Thousand Dollars | Country/Position  | Cumulative Value<br>Thousand Dollars |
|-----------------------|--------------------------------------|-------------------|--------------------------------------|
| 1. Russian Federation | 5,896,803                            | 11. United States | 395,636                              |
| 2. Switzerland        | 2,124,742                            | 12. Italy         | 322,430                              |
| 3. China              | 1,471,975                            | 13. Belgium       | 313,672                              |
| 4. Bulgaria           | 1,262,247                            | 14. India         | 306,919                              |

|                |           |             |         |
|----------------|-----------|-------------|---------|
| 5. Iraq        | 1,036,229 | 15. Syria   | 210,435 |
| 6. UAE         | 937,749   | 16. Belarus | 161,637 |
| 7. Netherlands | 878,698   | 17. Canada  | 121,360 |
| 8. Germany     | 578,942   | 18. Ukraine | 117,939 |
| 9. Georgia     | 572,849   | 19. Poland  | 84,044  |
| 10. Iran       | 523,431   | 20. Turkey  | 67,806  |

Table 1 presents the top 20 export destinations of Armenia during 2017-2022, sorted in descending order by monetary value. Table 2, on the other hand, shows the changes in trade turnover for the top 20 destinations in 2022 compared to 2021.

**Table 2: The Change in Trade Turnover in the Top-20 Destinations of RA (Source: Authors' calculations)**

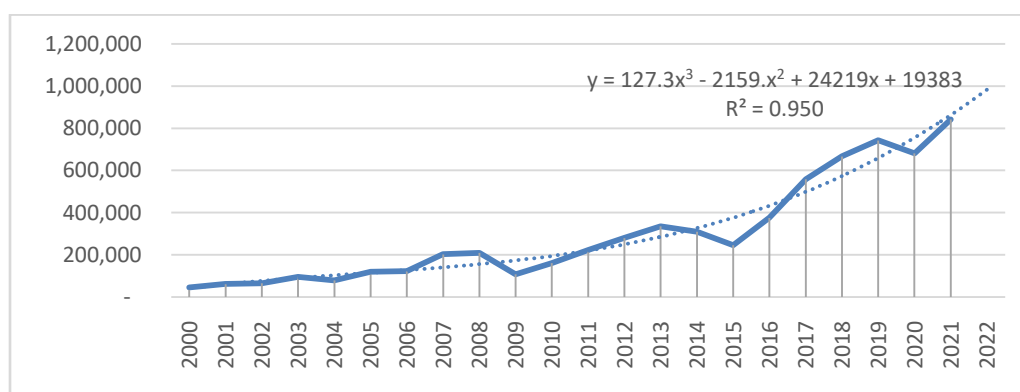
| Export      |                     |                                 | Import      |                     |                                 |
|-------------|---------------------|---------------------------------|-------------|---------------------|---------------------------------|
| Country     | 2022/2021 '000' USD | 2022/2021 Difference of Weights | Country     | 2022/2021 '000' USD | 2022/2021 Difference of Weights |
| Russia      | 1,570,282           | 17%                             | Russia      | 877,329             | -4%                             |
| Switzerland | (104,906)           | -7%                             | China       | 146,237             | -2%                             |
| China       | (23,678)            | -6%                             | Georgia     | 368,865             | 2%                              |
| Bulgaria    | 9,931               | -3%                             | Iran        | 161,819             | -1%                             |
| Iraq        | 72,397              | -1%                             | Germany     | 234,190             | 1%                              |
| UAE         | 459,731             | 7%                              | USA         | 325,621             | 3%                              |
| Netherlands | 23,616              | -2%                             | UAE         | 349,778             | 3%                              |
| Germany     | 28,495              | -1%                             | Italy       | 50,107              | -1%                             |
| Georgia     | 87,937              | 1%                              | Ukraine     | (61,045)            | -2%                             |
| Iran        | 45,644              | 0%                              | Turkey      | 41,091              | 0%                              |
| USA         | (3,602)             | -1%                             | Netherlands | 51,682              | 0%                              |
| Italy       | 1,592               | -1%                             | Hong Kong   | 57,272              | 0%                              |
| Belgium     | 33,815              | 0%                              | Switzerland | 62,864              | 0%                              |
| India       | (27,276)            | -2%                             | Belgium     | 46,498              | 0%                              |
| Syria       | (5,283)             | 0%                              | France      | 20,383              | 0%                              |
| Belarus     | 46,875              | 0%                              | Belarus     | 49,258              | 0%                              |
| Canada      | (2,720)             | 0%                              | Poland      | 47,916              | 0%                              |
| Ukraine     | (12,891)            | -1%                             | Czech       | 70,895              | 0%                              |
| Poland      | 1,989               | 0%                              | India       | 26,188              | 0%                              |
| Turkey      | 60,755              | 1%                              | Spain       | 47,439              | 0%                              |

Looking at Table 2, it is evident that the trade turnover between RA and Russia has significantly increased by 2.447 million dollars, despite Russia's declining share in the weight of imports. Meanwhile, RA-Ukraine trade turnover has decreased by 74 million dollars, with a significant decrease in imports of 61 million dollars. Ukraine is the only top-20 country whose imports have declined in absolute value. Additionally, among the top 20 export destinations, there has been a considerable decline in exports to Switzerland by 105 million dollars, India by 27 million dollars, and China by 24 million dollars. Table 2 reveals that the Russian Federation and the UAE are the primary factors contributing to the unprecedented growth of RA's trade turnover in 2022.

**Table 3: The Volume and Weight of RA Exports to Russia and UAE (Source: SC of RA database 2023; Authors' calculations)**

| Year | Russia Export |        | UAE Export |        |
|------|---------------|--------|------------|--------|
|      | Value         | Weight | Value      | Weight |
| 2000 | 44,560        | 15%    | 5,479      | 2%     |
| 2001 | 60,501        | 18%    | 7,277      | 2%     |
| 2002 | 64,634        | 13%    | 14,198     | 3%     |
| 2003 | 94,416        | 14%    | 16,609     | 2%     |
| 2004 | 77,898        | 11%    | 8,924      | 1%     |
| 2005 | 119,004       | 12%    | 10,383     | 1%     |
| 2006 | 121,156       | 12%    | 5,597      | 1%     |
| 2007 | 201,543       | 17%    | 6,773      | 1%     |
| 2008 | 208,175       | 20%    | 10,351     | 1%     |
| 2009 | 107,426       | 15%    | 5,338      | 1%     |
| 2010 | 160,508       | 15%    | 8,222      | 1%     |
| 2011 | 222,274       | 17%    | 9,886      | 1%     |
| 2012 | 279,109       | 20%    | 9,414      | 1%     |
| 2013 | 334,126       | 23%    | 9,437      | 1%     |
| 2014 | 308,250       | 20%    | 12,061     | 1%     |
| 2015 | 244,893       | 16%    | 9,099      | 1%     |
| 2016 | 374,471       | 21%    | 63,842     | 4%     |
| 2017 | 557,256       | 25%    | 102,207    | 5%     |
| 2018 | 666,126       | 28%    | 73,826     | 3%     |
| 2019 | 741,442       | 28%    | 57,273     | 2%     |
| 2020 | 680,338       | 27%    | 95,925     | 4%     |
| 2021 | 840,680       | 28%    | 74,394     | 2%     |
| 2022 | 2,410,962     | 45%    | 534,125    | 10%    |

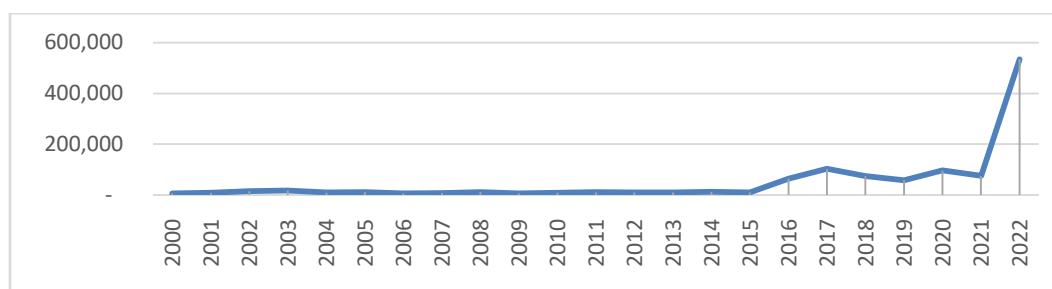
To comprehend the factors influencing this growth, let us model the Republic of Armenia (RA) export to the Russian Federation and compare the projected growth data with the actual data. The export model approximation to the Russian Federation was achieved using a third-order polynomial trend, capturing 95% of the time series dynamics. Figure 2 illustrates no “overfitting” issue, as the approximated curve seamlessly extends the series' behavior.



**Figure 2: Modeling the Dynamics Series of Exports to the Russian Federation (Source: Authors' calculations)**

Based on the model built to approximate the dynamics series of exports to the Russian Federation, the predicted value for 2022 was \$983,184 thousand. However, the actual value in Table 2 was \$2,410,962thousand, indicating a significant increase beyond the predicted value.

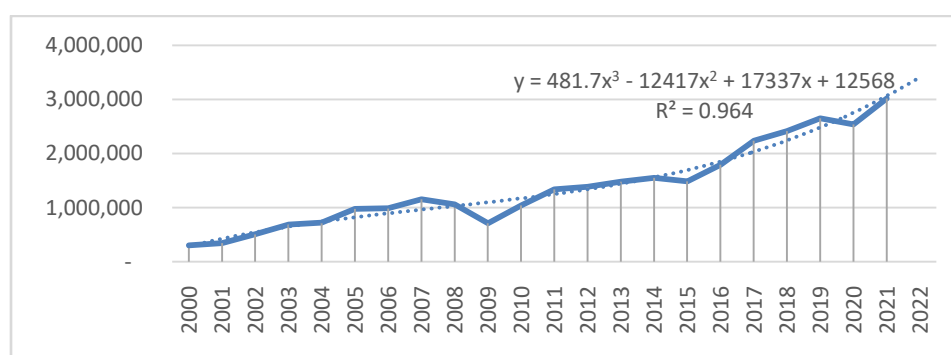
While the model suggested a 17% increase in exports to Russia in 2022 compared to 2021, the actual increase was 2.87 times. This discrepancy suggests the presence of a shock in 2022 that was not accounted for in the model.



**Figure 3: Series of Dynamics of Exports to the UAE (Source: SC of RA database 2023)**

Figure 3 displays the series of exports to the UAE, which suggests that until 2017, the direction of exports to the UAE was not significant for RA exports. From 2017 to 2021, it appears to be an average trend, resembling a random walking process. The average value for this period was \$77,911 thousand, which is consistent with the previous values of the series. In 2022, compared to 2021, the direction of exports to the UAE was expected to increase by 5%, but in reality, it increased 7 times. It is not possible to approximate the UAE trend using a polynomial trend due to the lack of significant directional exports until 2017.

Next, the contribution of export growth to the Russian Federation and the UAE will be estimated as a factor in the overall expansion of total exports. To accomplish this, the time series of total exports will be approximated using a third-order polynomial trend. This approximation effectively explains 96% of the indicator's variation, indicating the absence of any "overfitting" issue. Figure 4 showcases the predicted trend based on the approximation, demonstrating consistency with the actual data.



**Figure 4: Modeling of RA Export Dynamics (Source: Authors' calculations)**

The predicted value based on the model is \$3,406,485thousand. This means that if there had been no shock in 2022, RA exports should have increased regularly by 13%. However, the actual increase was much higher, at 78%.

If there had been no shock, the share of exports from Armenia to Russia would have been 29% instead of the actual 45%. Similarly, the share of exports to the UAE would have been around 3% instead of the actual 10%. The difference between the total exports and actual values is \$1,953,584 thousand. Of this difference, the Russian Federation and the UAE accounted for 96%, or \$1,883,992 thousand. Specifically, Russia contributed \$1,427,778 thousand, or 73%, while the UAE contributed \$456,214 thousand, or 23%.

### *Imports*

For the analysis of imports, we will focus on the top 20 countries, which account for 90% of total imports to Armenia. Table 2 shows that out of the top 5 countries, only Russia has maintained a stable position in import shares from 1995 to 2022. Among the other top 5 countries, Georgia, Iran, and China stand out. It is worth noting that there has been no individual country shock effect on import shares, indicating that the import increase was proportionate among major trading partners.

A moving average model with 2 averaging periods has been selected to depict the time series of total imports. Table 4 displays the predicted values derived from the model and the actual values of total imports.

**Table 4: Comparison of Forecast and Actual Import of RA (Source: Authors' calculations)**

| Year        | Actual           | Forecast         | Difference         |
|-------------|------------------|------------------|--------------------|
| 2001        | 877,409          | 880,708          | 3,299              |
| 2002        | 987,155          | 932,282          | (54,873)           |
| 2003        | 1,279,490        | 1,133,323        | (146,168)          |
| 2004        | 1,350,698        | 1,315,094        | (35,604)           |
| 2005        | 1,801,736        | 1,576,217        | (225,519)          |
| 2006        | 2,191,613        | 1,996,674        | (194,938)          |
| 2007        | 3,267,788        | 2,729,700        | (538,088)          |
| 2008        | 4,426,129        | 3,846,959        | (579,171)          |
| 2009        | 3,321,134        | 3,873,632        | 552,498            |
| 2010        | 3,748,954        | 3,535,044        | (213,910)          |
| 2011        | 4,145,332        | 3,947,143        | (198,189)          |
| 2012        | 4,261,233        | 4,203,282        | (57,950)           |
| 2013        | 4,385,866        | 4,323,549        | (62,317)           |
| 2014        | 4,424,424        | 4,405,145        | (19,279)           |
| 2015        | 3,239,239        | 3,831,832        | 592,593            |
| 2016        | 3,273,469        | 3,256,354        | (17,115)           |
| 2017        | 4,097,066        | 3,685,268        | (411,798)          |
| 2018        | 4,975,217        | 4,536,141        | (439,076)          |
| 2019        | 5,528,691        | 5,251,954        | (276,737)          |
| 2020        | 4,564,032        | 5,046,361        | 482,329            |
| 2021        | 5,362,209        | 4,963,121        | (399,088)          |
| <b>2022</b> | <b>8,768,659</b> | <b>7,065,434</b> | <b>(1,703,225)</b> |

The average absolute error, which indicates the quality of the model approximation, is 9%, suggesting that the model is adequate and can explain about 91% of the behavior of RA imports. As shown in Table 4, the model forecast for 2022 is \$7,065,434 thousand. This means that the import of RA should have increased by 32% in 2022 compared to 2021. However, in reality, it increased by 64%.



## Analysis of the Product Structure of Armenia's Foreign Trade

### Export

In line with the geographical analysis, the product structure was examined, focusing on the top 70 products (out of 1100 products classified by four digits) that collectively constitute 90% of the total export. Table 5 showcases the groups of products with the highest share in RA exports based on their value.

**Table 5: Share of Top Products in Exports (in terms of value) (Source: Authors' calculations)**

| Quantity of Products | Amount            | Cumulative Weight |
|----------------------|-------------------|-------------------|
| 5                    | 8,982,096         | 49%               |
| 10                   | 11,601,542        | 64%               |
| 15                   | 12,880,996        | 71%               |
| 20                   | 13,636,977        | 75%               |
| 25                   | 14,144,306        | 78%               |
| 30                   | 14,565,386        | 80%               |
| 40                   | 15,248,528        | 84%               |
| 70                   | <b>16,360,911</b> | <b>90%</b>        |
| <b>TOTAL</b>         | <b>18,210,729</b> | <b>100%</b>       |

According to Table 5, the top 5 products account for approximately 49% of the total exports, the top 10 for 64%, and the top 15 for 71%. This indicates a decreasing concentration trend. To further analyze this trend, let us shift our focus to the top 20 product groups, as the coverage of the 5th and 10th groups becomes less significant after that (as depicted in Figure 6). Table 6 displays the share of the top 20 products in exports.

**Table 6: Share of Top-20 Products in Exports (Source: Authors' calculations)**

| Product Category Name                           | Cumulative Amount 1000\$ | Average Weight |
|---|--------------------------|----------------|
| Copper ore, concentrate                         | 3,760,209                | 21%            |
| Cigarette and cigar                             | 1,577,598                | 9%             |
| Brandy, rum, gin, vodka, liqueur                | 1,399,352                | 8%             |
| Unwrought or semi-wrought gold, dust            | 1,352,213                | 7%             |
| Iron smelting                                   | 892,724                  | 5%             |
| Diamond stone                                   | 822,625                  | 5%             |
| Aluminum foils <0.2mm                           | 624,853                  | 3%             |
| Electricity                                     | 425,710                  | 2%             |
| Molybdenum ore, concentrate                     | 415,280                  | 2%             |
| Jewelry   | 330,978                  | 2%             |
| Passenger car                                   | 324,847                  | 2%             |
| Telephone and telegraph equipment, modem, parts | 281,902                  | 2%             |
| Fish (fresh)                                    | 245,052                  | 1%             |
| Suit, pants, jacket (men's)                     | 216,034                  | 1%             |
| Coat, warm half jacket, raincoat (women's)      | 211,617                  | 1%             |
| Tomato  | 181,094                  | 1%             |
| Apricot, cherry, peach, cherry, honey           | 180,318                  | 1%             |
| Coat, warm half jacket, raincoat (men's)        | 143,706                  | 1%             |
| Unrefined copper, copper anode e. for filtering | 129,248                  | 1%             |

Table 6 indicates that copper ore accounts for one-fifth of RA's exports, followed by "Cigarettes and cigars", "Brandy, rum, gin, vodka, liquor", "Unprocessed or semi-processed gold, powder", and "Smelting iron" product groups, with respective shares of 9%, 8%, 7%, and 5%.

**Table 7: The Difference in the Relative Weights of the RA Export Structure in 2022/2021**  
(Source: Authors' calculations)

| Product Category Name                           | 2021 | 2022 | 2022/2021<br>1000\$ | 2022/2021 |
|---|------|------|---------------------|-----------|
| Copper ore, concentrate                         | 26%  | 12%  | (106,346)           | -13%      |
| Cigarette and cigar                             | 8%   | 6%   | 81,065              | -2%       |
| Brandy, rum, gin, vodka, liqueur                | 8%   | 5%   | 45,275              | -3%       |
| Unwrought or semi-wrought gold, dust            | 4%   | 8%   | 280,401             | 3%        |
| Iron smelting                                   | 6%   | 5%   | 63,315              | -2%       |
| Diamond stone                                   | 4%   | 8%   | 312,111             | 4%        |
| Aluminum foils <0.2mm                           | 4%   | 2%   | 9,234               | -2%       |
| Electricity                                     | 2%   | 2%   | 37,913              | 0%        |
| Molybdenum ore, concentrate                     | 4%   | 3%   | 32,755              | -1%       |
| Jewelry   | 2%   | 2%   | 33,927              | 0%        |
| Passenger car                                   | 0%   | 5%   | 245,287             | 4%        |
| Telephone and telegraph equipment, modem, parts | 0%   | 5%   | 268,856             | 5%        |
| Fish (fresh)                                    | 2%   | 1%   | 21,580              | 0%        |
| Suit, pants, jacket (men's)                     | 1%   | 1%   | 1,295               | 0%        |
| Coat, warm half jacket, raincoat (women's)      | 1%   | 1%   | (3,705)             | -1%       |
| Tomato  | 1%   | 1%   | 3,932               | -1%       |
| Apricot, cherry, peach, cherry, honey           | 1%   | 1%   | 6,063               | 0%        |
| Coat, warm half jacket, raincoat (boys)         | 1%   | 0%   | 503                 | 0%        |
| Unrefined copper, copper anode e. for filtering | 0%   | 0%   | -                   | 0%        |
| Precious metal ore, concentrate                 | 1%   | 2%   | 69,935              | 1%        |

Table 7 indicates that the top export product of RA experienced a 13% decrease in its share, resulting in a reduction of \$106 million in absolute value. However, the share of "Cigarettes and cigars" decreased by a smaller margin, while its absolute value increased by \$80 million. On the other hand, there were significant increases in the exports of products such as "Passenger cars", "Telephone and telegraph equipment, modem, parts" (which had no exports in 2021), "Rough or semi-rough gold, powder", and "Diamond stone".

### *Imports*

In contrast, the product structure of RA imports is more diversified than that of exports. The analysis shows that 270 products (out of 1245 with a 4-digit classification) account for 90% of total imports. Table 8 presents the shares of the top products in RA imports.

**Table 8: Share of Top Products in Imports (in terms of value) (Source: Authors' calculations)**

| Quantity of Products | Amount            | Cumulative Weight |
|----------------------|-------------------|-------------------|
| 5                    | 8,500,745         | 26%               |
| 10                   | 11,245,838        | 34%               |
| 15                   | 12,676,595        | 38%               |
| 20                   | 13,864,711        | 42%               |
| 25                   | 14,843,307        | 45%               |
| 30                   | 15,741,284        | 47%               |
| 40                   | 17,295,203        | 52%               |
| 70                   | 20,847,127        | 63%               |
| 270                  | <b>29,950,449</b> | <b>90%</b>        |
| <b>Total</b>         | <b>33,295,874</b> | <b>100%</b>       |

Table 8 shows that the top 5 products cover about 26% of imports, the top 10 - 34%, and the 15th - 38%. As you can see, the concentration is getting smaller. Let us stop and detail the top 20 name-product group.

**Table 9: Share of Top-20 Products in Imports (Source: Authors' calculations)**

| Product Category Name  | Cumulative Amount 1000\$ | Average Weight |
|--|--------------------------|----------------|
| Natural and liquid gas   | 2,643,015                | 8%             |
| Oil and oil products (gasoline, fuel oil, oil, diesel fuel, oil) | 2,005,059                | 6%             |
| Passenger car  | 1,836,305                | 6%             |
| Diamond stone  | 1,074,849                | 3%             |
| Telephone and telegraph equipment, modem, parts                  | 941,517                  | 3%             |
| Medicine consists of separate substances                         | 897,156                  | 3%             |
| Unwrought or semi-wrought gold, dust                             | 617,305                  | 2%             |
| Aluminum raw   | 423,701                  | 1%             |
| Wheat  | 414,199                  | 1%             |
| Automatic counting machines, blocks                              | 392,732                  | 1%             |
| Raw tobacco and residue  | 350,804                  | 1%             |
| Motor grader, single-bucket loader, excavator, etc               | 274,951                  | 1%             |
| Chocolate (containing cocoa)                                     | 274,636                  | 1%             |
| Car truck  | 268,614                  | 1%             |
| Television   | 261,752                  | 1%             |
| New rubber tire  | 256,289                  | 1%             |
| Poultry meat and meat products                                   | 250,657                  | 1%             |
| Cigarette and cigar  | 237,718                  | 1%             |
| Medical, surgical, and dental device                             | 236,383                  | 1%             |

Table 9 shows that 8% of RA imports are "Natural and liquefied gas", followed by "oil and petroleum products", "Passenger car", "Diamond stone", "Telephone and telegraph equipment, modem, parts", product groups with a specific weight of 6%, 6%, 3%, and 3%, respectively.

**Table 10: The Difference in the Relative Weights of the RA Import Structure in 2022/2021**

(Source: Authors' calculations)

| Product Category Name  | 2021 | 2022 | 2022/2021<br>1000\$ | 2022/2021 |
|--|------|------|---------------------|-----------|
| Natural and liquid gas   | 9%   | 6%   | 51,499              | -3%       |
| Oil and oil products (gasoline, fuel oil, oil, diesel fuel, oil) | 7%   | 7%   | 201,890             | 0%        |
| Passenger car  | 2%   | 8%   | 583,403             | 6%        |
| Diamond stone  | 2%   | 4%   | 266,635             | 2%        |
| Telephone and telegraph equipment, modem, parts                  | 2%   | 4%   | 298,170             | 3%        |
| Medicine consists of separate substances                         | 3%   | 2%   | 14,122              | -1%       |
| Unwrought or semi-wrought gold, dust                             | 2%   | 3%   | 143,760             | 1%        |
| Aluminum raw   | 1%   | 1%   | 26,130              | 0%        |
| Wheat  | 1%   | 1%   | 39,854              | 0%        |
| Automatic counting machines, blocks                              | 1%   | 2%   | 114,190             | 1%        |
| Raw tobacco and residue  | 1%   | 0%   | (15,869)            | 0%        |
| Motor grader, skid steer loader, excavator, etc                  | 1%   | 1%   | 42,644              | 0%        |
| Chocolate (containing cocoa)                                     | 1%   | 1%   | 15,136              | 0%        |
| Car truck  | 0%   | 1%   | 31,491              | 0%        |
| Television   | 1%   | 1%   | 97,346              | 1%        |
| New rubber tire  | 1%   | 1%   | 10,586              | 0%        |
| Poultry meat and meat products                                   | 1%   | 1%   | 14,017              | 0%        |
| Cigarette and cigar  | 1%   | 0%   | 4,098               | 0%        |
| Medical, surgical, and dental device                             | 1%   | 1%   | 26,410              | 0%        |
| Sugar  | 1%   | 0%   | 577                 | 0%        |

Table 10 reveals that while the share of RA's top import product decreased by 3%, its absolute value increased by 51 million dollars. Meanwhile, the share of "Oil and oil products" remained the same, but the absolute value increased by 202 million dollars. Notably, there has been a significant increase in the import of products such as "Passenger cars" and "Telephone and telegraph equipment, modem, parts". In contrast, importing "Unprocessed or semi-processed gold, dust", and "Diamond stone" has also seen an unprecedented rise.

## CONCLUSION

The study revealed that the considerable increase in both exports and imports in 2022, compared to 2021, can be attributed to the ongoing conflict between Russia and Ukraine. The notable disparity between the values observed at the beginning and end of the research period is evidence of RA's pursuit of an open foreign trade policy to enhance the economy's degree of openness and integration into the global market.

At the outset of the period, the trade balance values were low due to relatively modest foreign trade volumes. It is appropriate to consider the maximum and minimum trade balance values starting from 2007, as this year marks the point at which foreign trade volumes became comparable to current levels. In 2022, the maximum trade deficit in absolute value was \$3.409 million, but it is incorrect to view this as the worst outcome. It is necessary to determine whether the deficit deepened solely due to the import effect or increased with growth in exports and imports. The former scenario would more harm the economy, whereas the latter is a natural occurrence. Indeed, there was a deepening of the foreign trade deficit in absolute value in RA

due to the volume effect, as imports exceeded exports in absolute value but not in the value of relative growth.

Regarding geography, the events of 2022 significantly impacted RA's exports. The RA-Russian trade turnover increased by an unprecedented 86%, while the RA-Ukraine trade turnover decreased by 43%. Concerning product structure, product diversification increased in 2022 due to a sharp decline in the proportion of copper ore. The growth of the "Passenger car" and "Telephone and telegraph equipment, modem, parts" product groups resulted from re-export, meaning that they were imported to RA, then exported from RA, and counted as exports.

Under normal conditions, the anticipated growth in RA's exports would have been 13%, and the growth observed in 2022/2021 was 78%. Thus, if the current geopolitical situation is resolved, RA can expect a 65% drop in exports to Russia. Under normal conditions, the expected increase in RA's imports is 32%, and the observed increase in 2022/2021 was 64%. Therefore, if the geopolitical situation is resolved, RA should expect a 32% drop in imports from Russia, leading to a 35% decrease in total trade turnover.

## COMPLIANCE WITH ETHICAL STANDARDS

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# THE ROLE OF SOCIAL MEDIA IN THE PROCESS OF INFORMING THE PUBLIC ABOUT DISASTER RISKS

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**Abstract:** *Social media informs the public about the most important events and conveys important information. Before, during, and after disasters, social media are used to disseminate information about disasters and collect data relevant to the implementation of preparedness, response, and recovery activities and measures. Social networks are effective in disseminating information and warnings, as well as in educating the public. The subject of the research is examining the influence of demographic factors on the effectiveness of social media in informing the public about the risks of disasters. Using an online survey questionnaire and according to the snowball principle, a survey of 247 respondents was conducted in 2022. The research results show no statistically significant relationship between the respondents' education level and the assessment of the effectiveness of social media reporting on disasters. Using social media can improve communication between stakeholders in disaster management and facilitate coordination of efforts, fostering communication and allocation of resources. To effectively use social media in disaster management, decision-makers in the disaster management system must be aware of new technologies, their disadvantages and advantages, and ways to collect and analyze data from social networks.*

**Keywords:** *Disasters; Social Media; Informing; Public; Risks; Serbia*

## INTRODUCTION

Social networks can help develop public awareness of disasters and share real-time information (Epstein, Pawa, and Simon 2015). Data from social media can help emergency and rescue services assess and mitigate natural and technical-technological disasters. They are used for impact and damage assessment, situational awareness, and crisis mapping, allowing the dynamics of disasters to be monitored (Avvenuti et al. 2016). The most popular social networks are Facebook, YouTube, Twitter, Instagram, and WeChat. Facebook enables the exchange of multimedia content, photos, and videos with other users. Users make so-called virtual friendships and thus can follow the profiles of their "friends". The basic applications that animate users are photos, videos, groups, events, items, notes, and gifts. Users can also create and share content (Sarac et al. 2015, 30).

Social media can be used to communicate in disasters by the public, the services of protection and rescue systems, and educational institutions (Simon, Golberg, and Adini 2015). According to Rasmussen and Ihlen (2017), social media, such as Twitter and Facebook, are effective communication channels in crises. Wukich (2015) concluded that social media could effectively communicate with the public in disasters but require time, and human and material resources, which are often limited. The research was conducted through content analysis of

more than 200 newspaper articles, reports, and other documents. The results showed that three strategies, namely information dissemination, real-time data monitoring, and communication with social network users, are the most effective in reporting disasters to the public (Wukich 2015).

Since its inception, social media has stood out as a completely new form of communication where information does not go in one direction but moves through a network of connected users. Also, Xiao et al. (2015) note that social media users can receive and post messages, which means no longer having to wait for professional journalists to arrive on the scene to report the situation. Individuals can gather and disseminate first-hand information in real-time using social media. Social media can greatly contribute to informing the public as a form of disaster risk management. Chan (2013) explains that four main functions of social media for disaster management can be observed, which include not only the sharing of information but also the preparation and management of the situation itself, which includes information dissemination, disaster planning and training, and collaborative resolution. Problems and decision-making for gathering information. Social media is very important for disaster management because of the growing number of users. Namely, more than half of the world's population uses social media. Today, 4.57 billion people worldwide use the Internet. In addition, there were 5.15 billion unique mobile users in 2020, and only 8% of all internet users do not use social networks (Kemp 2020).

During disasters, emergency services must have a comprehensive overview of the situation to coordinate efforts and make informed decisions (Imran et al. 2015; Domingo et al. 2022; Odero and Mahiri 2022; Kabir et al. 2022; Jha et al. 2021). During disasters, social media is increasingly used to share information. At the same time, emergency response services in disasters face the problem of information overload (Plotnick and Hiltz 2018). For example, Avvenuti et al. (2016) conducted a case study investigating the early detection of earthquakes and tornado movements based on data shared by users on social networks. Research results show that social media can significantly assess the intensity of disasters (Avvenuti et al. 2016). Furthermore, how social media is utilized by both individuals and institutions plays a pivotal role in shaping disaster awareness and preparedness (Mano, Kirshcenbaum, and Rapaport 2019).

Disasters are characterized by high insecurity, uncertainty, and threat perception. In an uncertain situation, citizens affected by a disaster need to seek useful information that can help restore a sense of normalcy. Also, citizens need to know what happened, the current situation, and whether help is ready and on the way. People often lack information to determine the degree of danger and make appropriate decisions and protective measures. Therefore, it is important to use social networks to share information about disasters (Jurgens and Helsloot 2017).

Thus, much information is shared on social networks, including disaster warnings, requests for help, expressions of feelings, and information on disaster recovery (Jurgens and Helsloot 2017). In disaster management, social media can be used for supervision, monitoring, and information about the situation and the early warning system. Social media can be used to share information and instructions and for real-time alerts. Providing information and guidance on social networks such as blogs can be used to provide advice by posting information such as emergency phone numbers, locations of hospitals that need blood donations, evacuation routes,

etc. They can be used to mobilize volunteers during and after a crisis. In addition, they can improve disaster response by mobilizing volunteers far from the epicenter of the crisis to relay information provided by emergency services. They can also be used to identify survivors and victims. Social media can help citizens find out if their family and friends are safe while using mobile phones, help report accidents and send requests for help. Using social media to communicate during disasters can help counter inaccurate press reporting, balance rumors, and manage reputational effects. Social media can raise funds and support by encouraging donations during major disasters or facilitating support. During disasters, people/victims who need help often do not know whom to turn to (Cvetković et al. 2019; Cvetković, Nikolić, Nenadić, Ocal, and Zečević 2020; Cvetković, Roder, Öcal, Tarolli, and Dragičević 2018; Cvetkovic, Ocal, and Ivanov 2019).

Social media is a valuable source of information about citizens, their habits, attitudes, and opinions. Social media users are members of different social groups. Therefore, social networks can provide information about cultural differences and behavioral patterns of people in communities. This information is important for adapting messages to ensure they reach citizens and are interpreted correctly (Adem 2019; Aleksandrina, Budiarti, Yu, Pasha, and Shaw 2019; Carla 2019; Cvetković 2019). Also, this information is important for developing restoration plans tailored to different social groups' needs (Kapoor et al. 2018). Research results based on the analysis of data contained in tweets and geolocation data show that it is necessary to develop mechanisms of selection and analysis of the huge amount of data available on social networks (Nazer et al. 2019).

## LITERARY REVIEW

Social media allows emergency services to receive valuable information such as eyewitness reports, images, or videos. However, the vast amount of data generated during large-scale disasters can lead to information overload. Research conducted by Kaufhold, Bayer, and Reuter (2018) indicates that machine learning techniques are suitable for identifying relevant messages and filtering irrelevant messages, thereby mitigating the problem of information overload. Castillo (2016) pointed out the possibilities of using social networks in formal communications and collecting data shared by social network users. Through qualitative research, Martinez-Rojas et al. (2018) included papers containing selected terms, such as Twitter, emergency, disaster management, etc., and pointed out the importance of information shared by Twitter users for effective disaster response. Saramadu (2020) used the example of Sri Lanka's e-government to show that governments can improve disaster response using digital technology.

The results of experimental research based on two sets of data, on earthquakes and the behavior of users on Twitter, show that social media provide valuable information that contributes to a more accurate assessment of earthquake intensity (Mendoza, Poblete, and Valderrama 2019). Based on the analysis of data collected from social networks, Boulton, Shotton, and Williams (2016) determined a positive correlation between the occurrence of forest fires and the activity of social network users. Certain social media platforms, such as Twitter, Facebook, and individual blogs, which are most often used to share information (especially in

the first 12 hours of an emergency), register the most content generated by citizens (Austin and Jin 2016). Social media also do not adhere to the more limited schedules of traditional media and allow the general public to access information at any time and from any place. Therefore, they stimulate certain responses in the behavior of individuals based on that information (Austin and Jin 2016). Xu et al. (2020) interviewed members of 327 households in communities affected by the July 2019 earthquakes. The results of their research unequivocally show that residents of rural areas rely on disaster information on social media, but that greater presence of information on social media negatively affects disaster risk perception (Xu et al. 2020).

Citizens who use media channels such as newspapers and magazines are more engaged in finding and processing disaster news and information than social media users who receive instant information and opinions (Austin and Jin 2016). Communication on social media makes access to information more efficient and faster but increases the risk of exposing the public to unverified or inaccurate information (Austin and Jin 2016). An analysis of Twitter posts during hurricanes Irene, Jonas, and Sandy indicates that more intense disasters increase the number of climate change-related posts on Twitter (Roxburgh et al. 2019). However, not all information shared by users is relevant. The results show that less than 3% of tweets are relevant for detecting extreme weather events (Spruce, Arthur, and Williams 2019). Based on a quantitative study of data collected from Twitter during disasters from 2012 to 2020, authors Kruspe, Kersten, and Klan (2020) concluded that using advanced technologies such as machine learning can improve the monitoring of information shared on social media networks. Also, new technologies can help select and analyze information shared on social networks.

Houston et al. (2015) describe various uses of social media in disasters, which include sending and receiving requests for help, helping to gather and document information about what happened in the disaster, providing and receiving disaster response information, and providing and receiving mental health support, that is, behavior in the event of a disaster. It is also important to note the difference between the type of information that is exchanged. They can be in the form of disaster warnings, requests for help, expressions of emotions, and information about disaster recovery (Houston et al. 2015). On the other hand, Gao et al. (2015) divide the generation of situational information into active and passive. Active generation means actively reporting disaster-related cases or seeking help from the authorities. Passive information generation refers to collecting disaster data from social media to establish awareness of a situation requiring a response from humanitarian organizations. To effectively use social media to disseminate disaster information, emergency responders must have the knowledge and resources necessary to use social media (Stephenson et al. 2018). An analysis of the messages of 56 social media accounts of different organizations involved in the flood protection system yielded insights into the insufficient use of social media in disseminating flood information by public services (Stephenson et al. 2018).

During disasters, social media is also used to raise funds. As major disasters exceed the response capabilities of local and national governments, NGOs use social media to initiate, raise, and allocate funding much faster than standard funding channels (Okada, Ishida, and Yamauchi 2017). Nazer et al. (2019) note that social media can be used after disasters to share “lessons learned” and as a resource for researchers. They can also be used to improve recovery management by sending information about rebuilding and recovery and helping citizens

manage stress. Effective use of social media could improve transparency and trust in public authorities. Social media can be used to inform about the reconstruction and restoration of infrastructure, as well as to identify areas most in need of recovery. They help to identify who and where help is needed, as well as to provide psychological assistance to disaster victims.

Disasters are a source of stress for individuals, and they often need emotional support to regain balance. Therefore, social networks can also effectively mitigate the psychosocial consequences of disasters (Li et al. 2018). Social media users seek information and emotional support and satisfy their need to belong to a community (Li et al. 2018). Healthcare providers, for example, use social media to provide support to members of affected communities after disasters (Grover, Kar, and Davies 2018). A review of the literature related to the use of social media in disasters indicates the existence of an impact on reducing uncertainty through the provision of disaster information and the encouragement of cooperation and community (Jurgens and Helsloot 2017).

Social media users are sharing information about the damage in affected communities. This is important for directing efforts and allocating resources in the best possible way, and ensuring the establishment of the normal functioning of communities as quickly as possible. For example, Glasgow et al. (2016) investigated positive tweets expressing citizens' gratitude for assistance, positively impacting citizens' trust in local authorities. Grace (2020) conducted a qualitative analysis of 6 sets of 22,706 Twitter posts collected based on geolocation and keywords. His research results show that Twitter posts are useful for tracking storm and infrastructure damage and creating early warnings.

Social media has a significant impact on public opinion, and key topics on social media during the pandemic were health risks, quarantine, and the credibility of information sources (Yu et al. 2020). The coronavirus pandemic has intensified concerns about the role of social media in spreading misinformation (Brennen 2020). Although people are less likely to trust the news they find on social media, they find it increasingly difficult to recognize misinformation, and more and more are being exposed to misinformation. For example, there has been an increase in the number of profiles on social networks that spread information about drugs for the virus that may pose a risk to human health, as well as the number of pages that undermine public trust in experts and governments (Brennen 2020). On the other hand, a large amount of misinformation motivates people to find credible sources and avoid social networks (Brennen 2020).

The search for information on social networks culminated during the pandemic, especially during the duration of measures to prevent the spread of the virus. Research has shown that as many as 40% of US residents believe that the news has worsened the uncertainty and feeling of helplessness, and 70% point out that they need a break from the news about the coronavirus (Pew Research Center 2020). Too much information increases anxiety in many people and can cause depression (Pew Research 2020). At the same time, people have trouble separating important information from irrelevant information; for example, along with news about the number of infected and the death rate, measures to prevent the spread of the virus are explained, which creates stress for many people and makes them avoid all news about the virus (Savage 2020).

## MATERIALS AND METHODS

In this research, the aim is a scientific explanation of how different demographic factors influence the perception of social media's influence in informing the public about the existing risks of disasters. The research was conducted during November and December 2021 and examined respondents' previous disaster experiences.

### Basic Characteristics of Respondents

The percentage of women included in the sample is 56.3%, while the percentage of men is 43.7%. The largest percentage of respondents was in the 18-30 age group (37.7%); the smaller number was 31-45 (11.3%). Minor respondents were 8.1%, while the age group of 46-66 comprised the least, i.e., 6.9% of respondents. The percentage of employed is 46.6%, and the unemployed is 53.4%. Most respondents have secondary and higher education (38.5%), while higher education has a slightly smaller percentage of respondents (10.5%). The results show that the % of respondents who live in urban areas is 80.6%, while in rural areas, it is 19.4%. The largest percentage of respondents included in the sample is single (47.8%), and 31.6% of respondents are in a relationship. Also, the percentage of respondents who are married is 15.4%.

### Questionnaire Design

A survey questionnaire was devised for the research, consisting of two distinct parts. The first part included general questions about the demographic characteristics of the respondents. The second part of the questionnaire included questions that will determine the level of awareness about disasters and the attitude toward the influence of social media in the information process. The questions in the questionnaire were answered by circling the offered answer, rating it on a Likert scale from 1 to 5, and writing a short answer. Before starting the research, a pilot study was conducted to determine their comprehensibility to all annexed persons of different socioeconomic characteristics.

### Analyses

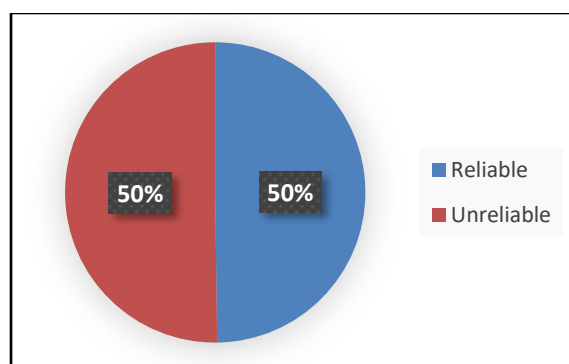
The statistical software SPSS was used to enter the survey's data (Statistical Package for Social Sciences). After that, a data check was done to ensure no mistakes were made when inputting the solution. Utilizing descriptive statistics, the frequency and percentage of the data were calculated. The Chi-square, t-test, and one-way ANOVA were utilized to investigate the correlation between the variables. All tests were two-tailed, with a significance level of  $p < 0.05$ . Statistical analysis was performed using SPSS Statistic 17.0.

## RESULTS AND DISCUSSION

At the beginning of the research, respondents were asked whether they think social media is effective in reporting disasters to the public, whether there are obstacles in reporting, and whether social media is susceptible to false reporting. Respondents were also asked to rate

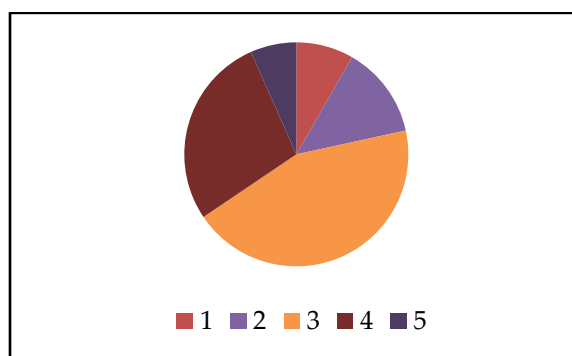


the effectiveness of social media in disaster reporting. The results show that an almost identical number of answers were “no” (50.2%) and “yes” (49.8%) (Figure 1).



**Figure 1: Reliability of Social Media in the Process of Informing the Public about Disaster Risks**  
(Source: Authors' research)

Further analysis shows that 38.5% of respondents believe there are obstacles, while 61.5% believe there are no obstacles in social media reporting on disasters. Regarding false reporting of disasters by individuals, 74.5% of respondents believe they are susceptible, while only 25.5% believe they are not. When assessing social media's effectiveness, 44% of respondents consider that they are neither effective nor ineffective. In comparison, 34% of respondents consider that they are effective in informing the public about the risks of disasters (Figure 2).



**Figure 2: The Structure of Respondents about the Assessment of the Effectiveness of Social Media in Informing about Disasters** (Source: Authors' research)

The results of the Chi-square test ( $\chi^2$ ) show no statistically significant relationship between the respondents' level of education and the rating of the effectiveness of social media reporting on disasters. Regarding the question of whether there are obstacles in social media reporting on natural disasters, respondents with secondary education (41.1%) answered “yes”, while respondents with higher education answered “no” the most (43.4%). It was determined that there is no statistically significant relationship between the level of education of



respondents and the opinion of whether there are obstacles in social media reporting on natural disasters.

When asked whether social networks are susceptible to false reporting, respondents with primary education (83.3%) mostly answered “yes”, while respondents with secondary education (28.4%) mostly answered “no”. Also, it was determined that there is no statistically significant connection between respondents’ education level and the opinion of whether social networks are susceptible to false reporting. In this research, a comparison of the demographic characteristics of the respondent’s place of residence with their attitude about the effectiveness of social media in informing the public about disasters was also carried out. The results show no statistically significant relationship between these two variables.

Further analyses determined no statistically significant connection between the place of residence and the attitude that there are obstacles in social media reporting. Further results show a statistically significant relationship between respondents’ exposure to a natural disaster and the attitude that certain obstacles exist in social media reporting on natural disasters. It was also determined that there is no statistically significant connection between the respondents’ exposure to a natural disaster and the opinion that social networks are susceptible to false reporting by individuals about natural disasters. In addition, it was determined that there is no statistically significant connection between the respondents’ exposure to a disaster and the evaluation of the efficiency of the media in informing about natural disasters. The research aimed to examine the citizens’ views of the Republic of Serbia on the role of social media in informing the public about the existing risks of disasters. The research sample, which was conducted electronically, included 247 respondents in Serbia. To the greatest extent, the sample consisted of women (56.3%), citizens aged 18-30 years (37.7%), living in an urban environment (80.6%), having medium (38.5%) and higher education (38.5%) and are not in an emotional relationship (47.8%). Also, the sample structure’s share of employed and unemployed respondents is almost equal.

When examining respondents’ views on the reliability of social media as a source of information about natural disasters, no unified view was found. The results divided in this way can be related to the research findings conducted by Williams and colleagues (2018), which indicate that citizens consider family and friends the most reliable sources of information. However, suppose only official organizations (e.g., local emergency officials) are considered a source of information through social media. In that case, the likelihood of using social media as a reliable source of information is much higher. In addition, Xu et al. (2021) postulate that trust is closely related to the perceived risk level of natural disasters.

Furthermore, bearing in mind the dizzying expansion of the infodemic that follows the modern era, the respondents’ perception of the susceptibility of social networks to false reporting on natural disasters was investigated. On that occasion, it was determined that as many as 74.5% of respondents in the sample rated vulnerability as significant. This confirmed the results of the research conducted by Ghosh et al. (2018), who indicate that a larger share of the population believes that social networks are prone to and susceptible to spreading misinformation. It was concluded that there was widespread panic and tension among the people at the time of the disaster. The authors also note that detecting misinformation and

rumors on social media during disaster reporting is a significant challenge, as at such times, even genuinely famous people may also unwittingly publish rumors.

In addition, disaster reporting and “curation” by unknown individuals and organizations can raise concerns about information accuracy, the potential for rumor, malicious use (such as social media hoaxes), and privacy protection (Taylor et al. 2012). The majority of the respondents of this research believe that increased control of information and greater punishment of those who spread false information can reduce its harmful effect, while Ghosh et al. (2018) believe that combining information from multiple sources can be a good way to identify misinformation, as well as that methods must be developed to detect harmful content on social networks, and then to effectively deal with them.

When it comes to the importance of adequate communication between the local government and the community, our results support the findings of a survey (Collett 2014) conducted at Eastern Kentucky University, in which it was found that 54.05% of respondents agree and 24.32% absolutely largely agree (78.37%) that local governments should use social media to communicate with the community about issues and emergencies that have a direct impact on the community. A similar result is present in this research; 83.4% of respondents agree, while 16.6% disagree. Also, in the previously mentioned survey, it was determined that 92.11% of respondents have access to the Internet, which also coincides with the survey results (99.2%). The high percentage of Internet access shows how the development of information technologies has influenced various aspects of disaster risk management. While social media users continue to grow globally, these platforms are relatively in their infancy. Instant gratification, which users can experience interacting with their peers on different levels, brings an appeal that cannot be found in other forms of modern communication (Collett 2014).

However, contrary research (Collett 2014) indicates that 50% of respondents agree and 23.68% strongly agree (73.68%) about tending to read others’ posts when the topic is related to current and potential disasters or emergencies, the results of this research produced different results. Namely, 76.9% of the respondents stated that they do not regularly monitor social media reports on potential natural disasters, while 23.1% stated that they do. An informed and prepared population can be more resilient to a disaster, so there are efforts by individuals and organizations to learn how to prepare for a disaster, and organizations and governments to spread the content of disaster preparedness in the country, which can be of great benefit to people and communities (Houston et al. 2015). Disaster social media can help this process by connecting individuals and organizations with disaster preparedness information before a disaster strikes. This research shows that a very small percentage of respondents adequately prepared themselves by informing themselves before the disaster and avoided certain material/health damage caused by the disaster (28.3%). In comparison, 71.7% of respondents indicated they failed to adequately prepare by informing themselves through social media.

During and immediately after a disaster, people will want to know if family and friends in the affected area are safe. Moreover, suppose the level of destruction is high. In that case, individuals will often need a place to check in, inform others about their condition and establish connections with others, the role of social media in these processes not being negligible (Houston et al. 2015). To the question “Have you participated in any reporting on natural disasters via social media?”, a large number of respondents (82.6%) answered that they had not,

and 17.4% that they had. Given that 67.6% of respondents were exposed to some kind of disaster, and 32.4% were not, it can be concluded that it is necessary to develop further appropriate mechanisms and tools that would enable easier communication in emergencies caused by disasters. It is very important to invest efforts in local public organizations to build trust among the public so that critical information can be effectively disseminated and citizens can easily access it during a catastrophe through social media. This ultimately increases the effectiveness of disaster response and assistance. It is important to mention the increase in the use of smartphones as one of the more significant factors contributing to the spread and greater influence of social media in disaster reporting (Taylor et al. 2012). It can be safely concluded that social media in the context of disasters, although in any other context, are characterized by both bright and dark sides.

## CONCLUSION

Media in modern society is characterized by a high level of connectivity and the progressive development of information and communication technologies. Social media informs the public about the most important events and conveys important information. Before, during, and after disasters, social media are used to disseminate information about disasters and gather data relevant to the implementation of preparedness, response, and recovery activities and measures. Social networks are effective in disseminating information and warnings, as well as in educating the public. At the same time, they are a source of information for decision-makers, based on which they can monitor the course of disasters, their consequences, public opinion, and the needs of citizens. However, to use social networks in the best possible way, it is necessary to have knowledge, advanced technologies, and resources.

However, information about disasters that are sensationalist can also have negative effects. Too often, news broadcasts and how they are conveyed can increase fear among citizens and cause anxiety, stress, and depression. Social media, characterized by interactivity and the transmission of content created by the users of social networks themselves, are a rich source of inaccurate information. This information does not have to be objective or accurate. However, it is generally available to the public faster than verified and reliable information transmitted through other communication channels. The spread of misinformation and other people's opinions increases uncertainty and fear among citizens. Social networks are often used as a source of information today. Citizens often do not check the sources of information and tend to form opinions based on short information, headlines, images, and video content. This can lead to overexposure to unverified and subjective news, citizen distrust, and often resistance to government disaster mitigation measures. Also, misinformation and half-information often present on the Internet can directly threaten human health and create distrust of citizens in governments and experts. Therefore, timely and accurate information, as well as appropriate tools that enable this, is a basic prerequisite for successful disaster management.

The conducted research generates new research questions in which we should further investigate and study various demographic factors that influence the process of informing about the risks of disasters through social media, and that influence the design and implementation of appropriate strategies and innovative solutions in this area. Given that the study and

understanding of the social context, that is, the perception, beliefs, and attitudes of citizens, which shape how they interpret and respond to information, is of key importance for decision-makers, the research implications have practical significance. The limitations of the conducted research are, on the other hand, the coverage of a smaller territorial area and population of the Republic of Serbia.

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This article does not contain any studies with human participants performed by any authors.

### **Statement on the Welfare of Animals:**

This article does not contain any studies with animals performed by any authors.

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# UNPACKING GENDER DYNAMICS IN ALBANIAN JOURNALISM: A POST-COMMUNIST PERSPECTIVE

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**Abstract:** *This study provides evidence of the challenges faced by women journalists in Albania after the fall of communism based on a nationwide survey of 295 journalists. Despite an increase in the number of women journalists, their emancipation in journalism is not necessarily implied. Women journalists tend to be confined to reporting on "soft news" sections or cultural and social topics, reinforcing traditional gender roles. Many women journalists conform to societal expectations and adopt gender stereotypes to exert influence while facing obstacles such as a male-dominated hierarchy, self-censorship, and pressures from family and editorial supervisors. Female journalists who make a name for themselves often cover male-dominated topics, following a masculine logic to gain respect and struggling to maintain their femininity. The study sheds light on the challenges and complexities women journalists face in Albania, providing insights into the gender dynamics within the media industry.*

**Keywords:** *Soft News; Self-Censorship; Male-Dominated Hierarchy; Gender Dynamics*

## INTRODUCTION

Albanian journalism has traditionally been male-dominated since the early 20th century, during the communist era and afterward. The development of commercial media in the mid-1990s and the demand for "soft news" has increased the number of women in journalism, from 1% in 1990 (Boriçi 1997) to 52% in 2012 (Godole 2014). While this "gender switch" (Creedon 1989) has offered more perspectives to female journalists, here we pose the question: Do these changes tell us about the real empowerment of women in Albanian journalism? Even though they are over-represented in the production process of (soft) news, they face barriers to their careers and are under-represented in the editorial hierarchy. There are many studies on how women are discriminated against in the vertical and horizontal hierarchy of the newsroom (Djerf-Pierre and Lofgren-Nilsson 2004; Djerf-Pierre 2007; Melin 2008; Fröhlich and Lafky 2008). However, the question of how women journalists are marginalized within a "patriarchal" field of power is little researched, even less so in the case of Albania.

There have been a few studies on the coverage of social issues and women in Albanian media (Mërtiri et al. 2009, Rhode et al. 2004); women and corruption (Danaj 2008), gender equality (Fico 2007), and women trafficking (Mëniku 2007), mostly produced by non-profit organizations that deal with gender and development issues in post-communist countries. Nevertheless, the role of women journalists as content producers and their position in the Albanian media is still very little known.

The study focuses on female journalists' challenges in the newsroom based on gender. It also aims to explain the nature of the journalism field and its historical development as a contribution to the current literature on journalists' gendered relationships in the context of a post-communist society and media system. To assess the true equality of women within the profession, it is crucial to examine the cultural context in which they operate. The daily work of journalists consists of continuous negotiation of multiple identities: gender identity, professional organizational identity (de Bruin 2004a), and also cultural or territorial identity, especially when it comes to small countries (Puppis 2009) like Albania.

The analysis commences with a concise overview of Pierre Bourdieu's concepts, asserting that capital predominates as the governing force despite habitus, significantly influencing the relational framework within a social field. Subsequently, the gender structure of the journalistic field in Albania is presented to elucidate this phenomenon. Finally, the survey findings are detailed and subjected to discussion.

## THEORETICAL FRAMEWORK

### Habitus and the Social Field

In his work "Masculine Domination", Pierre Bourdieu (2005) argues that gender plays a crucial role in the social order. Patriarchal societies have larger male power, reinforcing gender stereotypes in the media. Female journalists in Albania face obstacles due to traditional values focused on marriage and reproduction. Habitus, or habitual actions and perceptions, dominated by the male majority, influences journalism. Decision-making in media reflects gender biases in coverage, making it difficult for women to be included in topics traditionally seen as male domains.

After the dictatorship, the promotion of female journalists was seen as social emancipation (Murzaku and Dervishi 2002). Overcoming economic and social obstacles in a culture where marriage and reproduction are prioritized, women face power dynamics in journalism shaped by "hypnotic male power" (Bourdieu 2005, 9). Habitus, or cultural production, mediates power dynamics in journalism, influenced by the dominant male majority. It is determined by the dominant male majority in the newsroom, which sets the rules of the game, and female journalists have to deal with them in practice, validating gender stereotypes in media productions (Van Zoonen 1988; De Bruin 2004b). Media is managed by individuals who establish power dynamics. Distortions in decision-making at media institutions reflect gender biases in coverage (Mërtiri et al. 2009, 9). Topics such as economics, politics, and governance are often viewed as male domains, making including women difficult.

### Symbolic and Cultural Capital

Symbolic and cultural capital plays a significant role in male domination in journalism. Both men and women journalists share the same habitus that oppresses them (Melin 2008, 67). Like any other social field, the journalistic field operates based on its own logic of dominating and securing resources for the most influential position (Schäfer 2004). Capital, including economic, cultural, and social capital, influences the distribution of agents in the field. Economic

capital includes material wealth, while cultural capital encompasses educational values and recognition through awards or prizes. Social capital refers to valuable social relationships within the field. Symbolic capital, in the form of reputation and fame, can be converted into economic capital. It is the authority to decide who is acknowledged as a professional member and determine professional benefits and values within the field (Smirnova 2013, 124).

Female journalists face symbolic negative value in the field due to their gender, which can be offset by professionalism, cultural, or social capital (Djerf-Pierre 2007; Melin-Higgins 2004). Gender can create lines of division within the field. Cultural capital, such as education, language proficiency, and professional assessments, and social capital, such as professional experience and connections, are important for journalists. However, the ruling power within the field greatly impacts the structure and interactions among actors of different statuses, as noted by Bourdieu and Wacquant (1996, 49-79). The gendered logic of power accumulation and benefits being in men's hands and losses for women extends beyond the economic realm (Connell 2005, 134). Masculine power can expose women's double identity as professionals and as women, posing challenges for them (Melin 2008).

### **Gender Structure within the Journalistic Field**

In the early 20<sup>th</sup> century, journalism in Albania was traditionally a male domain, with well-educated male journalists who were often educated abroad in countries like Italy, Austria, France, or the US, establishing and directing the first Albanian newspapers and magazines (Boriçi 1997). During communism, the importance of cultural capital for journalists diminished as ideological capital became the primary selection filter. Journalists were expected to have a supportive background in the national liberation war or the communist regime for senior managerial positions (Münch and Simaku 1994). Women's involvement in journalism during this period was minimal, with only a few women working as reporters for official newspapers and mostly specializing in magazines and weekly newspapers focused on areas such as women's issues, culture, and children's literature. Women journalists were more dominant as news anchors in state-run radio and television, and this trend continued even after the political system's demise.

In communist Albania, precise data on women journalists were unavailable; nonetheless, their presence in the media market was subject to influence by diverse factors. These factors included the demand for working women being dictated by ideology rather than the labor market, women's participation in society was influenced by the high demand for labor in the socialist economy but with lower positions and incomes (Adnanes 2001), and the traditional cultural role of women as mothers in Albania being patriarchal in nature (Mërtiri et al. 2009).

After the fall of the totalitarian system, journalism in Albania was even more dominated by men. Journalism was aggressive, politicized, and operated with minimal professional standards in a chaotic and improvisational institutional/legal environment. The ideal journalist was described as a "fighter", "missionary", "active politically", "fearless", "hero", "altruist", "idealist", "critical", "advocate", and "educator", leaving little space for women in this media environment.

Only with the boom of commercial media in Albania, particularly in the late 1990s, women had more access to the journalistic field. The commercialization of media increased advertising as a source of revenue, and private televisions emerged, offering commercial and entertaining programs emulating the Italian TV model (Splichal 1994/2001; Godole 2014). The stronger legal framework and media commercialization shifted the dynamics within the journalism field, attracting women readers with sections focused on gossip, news about the private lives of young artists, and Latin American soap opera characters. These domains continue to be dominated by women journalists to this day. The mass involvement of women in journalism in the early 2000s was not a result of a struggle for emancipation but rather due to their adherence to a predefined masculine model.

The media market development dynamics in Albania reveal that changes in ownership accompanied the surge in commercial media. Many media owners have acquired other businesses, such as construction companies, and Albanian legislation does not disapprove of this practice. This has led to the media being used by political actors for economic interests, indirectly bringing the media under political control (Marku 2010; Lani 2011). Ownership problems in the media business, characterized by informality and non-transparency, have contributed to the financial struggles of many media outlets. Interestingly, new media owners have started including women in high managerial, editorial, or organizational positions, but often only if they are close family relatives such as spouses or daughters. Women's involvement in the media business after the 1990s was not necessarily based on their management skills but rather to serve as legitimizing objects for their husbands' power (Londo 2009).

## METODOLOGICAL FRAMEWORK

### Research Questions

This study examines the differences between female and male journalists in Albania and how different forms of capital influence their position in the hierarchy, considering the nature of gender in Albanian society, particularly the status of women in a patriarchal context.

The first research question is: (RQ1) Does the accumulation of symbolic capital truly legitimize power within a field, regardless of gender?

Furthermore, in terms of their views on journalism, the study asks: (RQ2) Does gender make a notable difference in professionalism and institutional roles?

By measuring the journalists' perceptions of influences within the organizational structure (newsroom), we can gain insights into gender differences. Specifically: (RQ3) Do women and men perceive the same influences and constraints inside and outside the newsroom?

## Methods

This study utilizes data from a survey conducted in Albania in 2021 to answer these research questions.<sup>1</sup> The survey involved 295 interviewed journalists who covered various subject areas, including politics and entertainment, to ensure a diverse representation of professional identities and gender distribution across different coverage areas (Hanitzsch and Hanusch 2012, 262). The journalists were selected from each news organization, representing three levels of newsroom hierarchy: general reporters (non-management level), senior editors and desk heads (middle-level management), and chief editors or directors (senior managers). Three to six journalists (depending on the newsroom size) were randomly chosen from the non-management level and one from the top-level management. News organizations were selected based on a common scheme to include a wide and inclusive representation of the Albanian media system, including national and regional outlets. Broadcast media, including public and private organizations, were selected based on ownership criteria. Entertainment media outlets, such as Radio DJs, and other formats not dealing with daily information processing were excluded. The 295 fully standardized surveys were conducted mostly face-to-face (92%), by telephone (7%), or online (1%).

To examine journalists' professional views, they were asked to rate the relative importance of 12 institutional roles using a five-point scale (Table 2). Furthermore, respondents were asked to evaluate the influence of different sources on their work using a five-point scale ranging from 1 (not influential) to 5 (extremely influential) (Table 3).

The study also aimed to measure the distribution of cultural capital (education, specialization) and economic capital (income) among male and female journalists, with additional data collected on age, years of work in journalism, areas of coverage, and best production to distinguish gender differences.

## RESULTS

Based on quantitative data from the survey, Albanian journalism is predominantly composed of young, mostly 31-year-old (mean) female journalists, accounting for 52% of the workforce. These female journalists hold Master's degrees (61%) and have an average monthly income of \$340 (mean). In contrast, their male counterparts, comprising 48% of the workforce, exhibit an average age of 34 years, with only 39% possessing a Master's degree. Furthermore, their average monthly income amounts to approximately \$420. Thus, the journalists in Albania are relatively young and inexperienced, with an average of 8 years of work experience for females (mean) and 10 years for males (mean).

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<sup>1</sup>The survey was conducted within the framework of the international project "Worlds of Journalism Study" (<https://worldsofjournalism.org/wjs3-2021-2023>). The author of this paper has been the coordinator for Albania since 2012.



## Gender and Hierarchy

Despite being well-educated and specialized, women journalists do not receive favorable treatment regarding professionalism. While 85% of female journalists receive regular training during their employment, only 15% of male journalists undergo professional training. Women journalists have higher cultural capital due to their education and professional training, which helps them stay in the field. However, men receive higher pay and are more likely to advance in their careers, “to the detriment of women” (Djerf-Pierre 2007). Gender relations within the newsroom, including possible discrimination in the hierarchy, payment, and working conditions, are rarely discussed openly. Female journalists frequently occupy non-management positions, constituting 71% in television and 64% in print media (newspapers, magazines), whereas the distribution of males across the hierarchy demonstrates a relatively more balanced pattern. These differences are statistically significant, as shown by the Pearson-Chi-Square test ( $\chi^2=12.86$ ;  $df=2$ ,  $N=292$ ,  $p<.002$ ). Some women journalists have raised concerns about the challenges they face in a society that is not fully emancipated. Successful female journalists highlight the need for persistence, adaptability, and strength to fight an unequal battle in the Albanian media market.<sup>2</sup>

## Areas of Coverage

Table 1 shows that male journalists in Albania primarily report on “hard news” topics such as politics, foreign affairs (60%), and crime (79%). In comparison, female journalists predominantly cover culture (94%), health (100%), and social topics related to current affairs (58%). Most female journalists also cover the economic sector, but male journalists mostly analyze important economic topics such as corruption in the press and TV. The chi-square distribution indicates a significant connection between gender and areas of coverage ( $\chi^2=40.241$ ;  $df=7$ ,  $p=.000$ ). Female journalists in Albania are often confined to covering “womanish” areas with emotional appeal, which is seen as the commercial pole of the field. Women journalists’ pursuit of competitive roles within the media does not indicate a lack of interest or intellectual capacity. However, they may face challenges regarding the gendered nature of journalism and social exclusion.

**Table 1: Areas of Coverage (Source: Godole 2014)**

|                   | Female (%) | Male (%) |
|-------------------|------------|----------|
| News/Actuality    | 58.3       | 41.7     |
| Politics          | 40.0       | 60.0     |
| Foreign Policy    | 45.5       | 54.5     |
| Domestic Policy   | 50.0       | 50.0     |
| Economy           | 58.8       | 41.2     |
| Crime and Justice | 21.4       | 78.6     |
| Culture           | 93.8       | 6.2      |
| Sports            | 0.0        | 100.0    |
| Health            | 100.0      | 0.0      |

<sup>2</sup> Interview with Ilva Tare, former moderator of “Tonight with Ilva Tare”, TV Vizion+, quoted on Godole, J. (2014).

Notably, not all male journalists hold high-status professional jobs, and the sections they cover do not necessarily guarantee high-quality reporting. Status in journalism is more of an ideology reinforced by structural dynamics, where men often hold higher positions of power and influence. Female journalists also face objectification and challenges in being interviewed, viewed, and listened to in decision-making, analysis, and politics in the media. The limited representation of women aged 40 and above in journalism highlights the challenges they face in pursuing successful careers and achieving improved gender ratios among media executives, field journalists, analysts, and decision-makers.

## Professional Views

Do men and women journalists have notably different professional views? Table 2 shows that although there are differences, they are very small. Both men and women equally value "being a detached observer". However, women value "reporting things as they are" the most. This slight difference does not automatically imply that men are less objective. Men tend to see themselves as more critical of the government, political leaders, and businesses. They also place a higher emphasis on the significance of motivating individuals to engage in political participation.

However, these differences are not significant. Women do tend to appreciate entertainment significantly more than their male counterparts ( $t=4.09$ ;  $d.f.=286$ ;  $p<.01$ ;  $d=.47$ ). They both agree on providing the kind of news that attracts the largest audience, but women attach great importance to the promotion of tolerance and cultural diversity, as well as educating the audience. Arguably, the differences are not really significant, and it is broadly agreed that gender does not really influence the way Albanian journalists think and act regarding professional roles.

**Table 2: Gender Dimension of the Role Perceptions (Source: Godole 2014)**

| <i>Institutional Roles</i>                                  | N   | Women (mean) | Men (mean) | Total mean |
|---|-----|--------------|------------|------------|
| Report things as they are                                   | 290 | 4,61         | 4,55       | 4,58       |
| Be a detached observer                                      | 290 | 4,30         | 4,31       | 4,31       |
| Provide the kind of news that attracts the largest audience | 289 | 4,17         | 4,11       | 4,14       |
| Promote tolerance and cultural diversity                    | 290 | 4,17         | 3,96       | 4,07       |
| Let people express their views                              | 287 | 4,15         | 3,99       | 4,07       |
| Influence public opinion                                    | 287 | 4,15         | 3,90       | 4,03       |
| Educate the audience  | 290 | 4,16         | 3,81       | 3,99       |
| Provide analysis of current affairs                         | 286 | 3,94         | 3,96       | 3,95       |
| Support national development                                | 290 | 3,87         | 3,85       | 3,86       |
| Be an adversary of the government                           | 287 | 3,64         | 3,71       | 3,67       |
| Provide advice, orientation, and direction for daily life   | 286 | 3,68         | 3,32       | 3,50       |
| Provide information people need to make political decisions | 290 | 3,34         | 3,31       | 3,33       |
| Provide entertainment and relaxation                        | 290 | 3,51         | 2,95       | 3,24       |
| Monitor and scrutinize political leaders                    | 289 | 2,91         | 3,15       | 3,03       |
| Monitor and scrutinize business                             | 289 | 2,70         | 2,79       | 2,74       |
| Motivate people to participate in political activity        | 289 | 2,04         | 2,25       | 2,14       |
| Support government policy                                   | 290 | 2,11         | 2,02       | 2,07       |

The general impression from the results is that Albanian journalism is not “feminized” solely due to the increasing number of women journalists but rather due to the usual boundaries of criticism against politics and business and the lack of courage and desire to influence public opinion.

## Influence Perceptions

The survey findings suggest that news organization owners have the least impact on Albanian journalists compared to other factors. Editorial policy, which refers to the policy followed by media publishers and indirect political bias, is seen as a more influential source (Table 3). Young journalists know which topics they should avoid in order to escape direct pressure from media owners.

**Table 3: Influences on Journalists (Source: Godole 2014)**

|  | N   | Women (mean) | Men (mean) | Total mean |
|--|-----|--------------|------------|------------|
| Editorial supervisors and higher editors | 291 | 3,38         | 3,05       | 3,22       |
| Managers of your news organization       | 286 | 3,18         | 2,81       | 3,00       |
| Owners of your news organization         | 277 | 3,08         | 2,84       | 2,97       |
| Editorial policy                         | 288 | 3,42         | 3,35       | 3,39       |
| Peers on the staff                       | 291 | 2,47         | 2,60       | 2,53       |
| Friends, acquaintances, and family       | 292 | 2,22         | 2,35       | 2,28       |
| Colleagues in other media                | 292 | 2,09         | 2,06       | 2,08       |
| Personal values and beliefs              | 286 | 3,25         | 3,53       | 3,38       |
| Profit expectations                      | 272 | 2,42         | 2,42       | 2,42       |
| Censorship                               | 291 | 2,67         | 2,45       | 2,56       |

The results show that male journalists in Albania take influences from peers in the field more seriously compared to self-referential sources, in contrast to journalists in the West (Weischenberg et al. 2006, 146). Both women and men journalists are pragmatic about profit expectations, and there are no significant differences between genders. Women journalists in Albania express more concern about censorship than men, but overall, censorship is one of the least influential factors in journalists’ work.

Self-censorship is evident in newsrooms and may be embedded in the socialization process of journalists’ careers. The impact of close friends and social milieu on journalists’ work is worth considering, as journalists tend to socialize with their colleagues in the workplace. However, limiting interactions within their professional group may result in less understanding of other social groups they report on, potentially reinforcing field hegemony and perpetuating existing clichés.

## CONCLUSION

This study suggests that despite an increased number of women journalists in Albania after the fall of communism, it does not necessarily indicate the emancipation of journalism in the country. Women journalists still face barriers to reaching top positions, which men predominantly occupy. Despite having higher cultural capital, women still face barriers to

reaching the top hierarchy predominantly occupied by men (RQ1). They often find themselves relegated to reporting on “soft news” sections or other areas, such as cultural and social topics, while men dominate coverage of politics.

The patriarchal system in Albania replicates traditional gender roles, and women journalists often conform to feminine stereotypes, using power and manipulation tools to exert influence. Women’s representation in politics was made possible through lobbying efforts (Danaj and Godole 2014), but there are similarities in professional views between male and female journalists, as all criteria for measuring performance are judged by male standards (RQ2).

The results also highlight notable findings about the influences on journalists (RQ3).

Female journalists are more sensitive to influences from family and editorial supervisors and tend to fear censorship more than men, leading to self-censorship. Despite difficulties, some female journalists identify with the media organizations they work for as they navigate gender hiring policies and make pragmatic, rational choices. The few female journalists who have gained recognition in Albanian journalism often cover male-dominated topics to gain respect but face the challenge of maintaining their femininity. Their market value lies in being both marginalized and privileged at the same time.

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# OVERLAPPING COMMUNICATION LOGIC FOR GLOBALIZING PUBLIC DIPLOMACY: THE CASE OF JORDAN

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**Abstract:** *This paper explored how Jordan used overlapping communication logic to enhance its global public diplomacy. Few studies have examined Jordan's public diplomacy, so this research presents vital information about Jordan's diplomacy nationally, regionally, and internationally. Because of the dynamic cultures, values, and norms brought about by globalization, nations need to use effective communication strategies to promote public diplomacy. In this case, the public referred to both the domestic and foreign public. The three main communication logics explored were individual, relational, and holistic logic. The research adopted a qualitative systematic literature review, and a sample of ten articles was obtained from Google Scholar and Z-Library. The study found that Jordan has used overlapping communication logic to enhance its public diplomacy domestically, in the Middle East, and globally on different occasions. The limitation of this research was its small sample size. Comprehensive quantitative analysis research is recommended to learn how satisfied Jordanians are with their country's public diplomacy.*

**Keywords:** *Jordan; Public Diplomacy; Jordan Diplomacy; Jordan Foreign Policy; Communication Logic*

## INTRODUCTION

Public diplomacy (PD) is government activities and engagements that attempt to go beyond traditional cultural and informational diplomacy and are designed to engage, inform, and influence the global public to support foreign policy objectives toward achieving national interests (Snow 2020, 3). To inform, engage, and influence a public audience about its policies, a nation must promote and maintain smooth international relations (Zaharna 2020, 96). Communication has become the surest way of developing trust in this process. Communication is essential to diplomacy, and nations cannot establish strong international relationships and influence foreign public audiences without communicating their objectives (Jönsson and Hall 2003, 195). Communication occurs through networking among state, non-state, and public actors and creates a soft power differential.

Soft power (as introduced by Joseph Nye) is a country's power of attraction based on its culture, political values, and foreign policies (Rugh 2017, 2; Sevin 2015, 565). Communications for engaging foreign public audiences must include political advocacy and cultural communication. While citing Zaharna, Arsenault, and Fisher (2013), Fitzpatrick (2017) reported that the major strategies for building foreign relationships (and, therefore, PD) are dialoguing, networking, and collaborating (p. 80). Ayhan (2019, 4) and Kim (2017, 298) added that PD cultivates and welds soft power. The central factor of these strategies is communication. When communication is viewed through relationalism, three key premises about foreign relations are

seen: an individual, two linked individuals, and holistic relations (Zaharna 2020, 98). These assumptions have led to the formation of three logics of communication: individual logic, relational logic, and holistic logic.

This research aimed to explore how these communication logics overlapped in PD using Jordan as a case study. The specific objectives included examining whether Jordan has applied its PD and determining the most effective communication logic that Jordan used. A systematic literature review explored the overlapping communication logic for globalizing PD in Jordan. Also, this research aims to address the following research question: How has Jordan used overlapping communication logic to enhance its global public diplomacy?

### **Study Justification**

There are few studies about PD in Jordan. PD is important in transforming a country's soft power resources to influence, persuade, and inform the public in other nations to achieve national interests or foreign objectives. When attempting to influence a foreign public, understanding and utilizing communication logic can enhance a country's global diplomacy approach to increase its status in the international arena. Therefore, this research aimed to understand how Jordan applied overlapping communication logic to enhance its global PD. It highlighted instances where Jordan applied the three communication logics to promote PD.

## **LITERATURE REVIEW**

Several studies have examined PD from different perspectives. This section discusses some PD and communication logic studies in enhancing foreign policy.

### **What is Public Diplomacy?**

PD has been defined in several ways based on traditional and contemporary views. Zaharna and Huang (2022) argued that the traditional definition of diplomacy could be traced to the US State Department, which utilized PD to influence, inform, and create mutual understanding with the foreign public (p. 3). The authors maintained that newer definitions incorporated public engagement through the participation of the target public, the promotion of a national image, and a defense of the country's interest through soft power. However, the most common themes in traditional and contemporary definitions of diplomacy involve state, non-state, or individual actors that influence a foreign or target public. Fitzpatrick (2017, 78) stated that traditional PD was a government's effort to communicate with a foreign public to understand its ideas, institutions, cultures, and national goals.

Rugh (2017, 2) defined PD as a deliberate communication effort that utilizes soft power by providing information and examples of aspects of a country's soft power that could be deemed positive by the foreign public. Some strategies for engaging and influencing included sending musicians or speakers to a foreign country and collecting photographs, among other activities that could reveal a country's culture. PD globally aims to respond to human needs, goals, and interests and achieve collaborative problem-solving for sustainable human

development (Zaharna and Huang 2022, 3). Thus, there was a need for effective communication to achieve a country's goal of relating to a foreign public through engagement and influence.

The word "public" has been used in different contexts when discussing PD based on communication logic, such as the foreign, domestic, diasporic, and regional public (Zaharna 2020, 104). Each communication logic defines the boundaries of its public.

### **Three Communication Logics in Public Diplomacy**

#### ***Individual Logic***

Individual logic views humans as distinct, independent individuals and believes that communication among them is necessary to exchange information. Individuals need to define themselves first and then connect with others. An individual is a communicator who starts and guides communication. The state can be an individual or an actor in PD. Thus, the state's ability to exert soft power, such as political advocacy, culture, and foreign policies, influences its PD. The message the state relays to an audience and the media is critical for influencing a foreign audience. Introducing social media platforms has become a game-changer by promoting individual goals and exercising soft power (Manor 2019, 3). Social media allows state officers to post information on a country's influential resources, such as culture, and promote the country's policies globally. A country's minister's tweets can reach diverse global audiences, including diplomats, journalists, bloggers, and diplomatic institutions, to describe events that shape their country. A Twitter message might trigger foreign public interest in events in a country, helping to achieve foreign objectives. In 2015, Vienna posted photos and updates on social media after the nuclear talks had concluded. Images of smiling diplomats led to relief that peace was affirmed (Manor 2019, 4).

#### ***Relational Logic***

Relational communication logic argues that people are inherently linked to each other and that the quality of the relations serves as a mirror that enhances communication; therefore, strong relations indicate strong communications and weak relations signify weak communications. In PD, cities are seen as individuals. Relational logic examines how cities establish close links with one another. In the contemporary world, pairs of cities in different regions have been designated sister cities to facilitate foreign policies and promote foreign public engagement. Examples are Vancouver and Yokohama; Los Angeles and Edinburgh; Alice Springs, Australia; Paghman, Afghanistan; Rockdale, Australia; and Bint Jbeil, Lebanon (Ziegler 2017). Relational logic stresses the importance of a point of contact between and physical co-presence of representatives from sister cities. The point of contact can be a business partnership, ceremony, or educational institution. The co-presence of representatives allows for the observance of non-verbal behaviors, such as facial expressions, which can promote trust and accurate exchanges of information (Burgoon and Bacue 2003, 181); it also encourages mutual benefits for the cities.

Galinsky, Ku, and Wang (2005, 110) asserted that perspective-taking is crucial for smoothing social interactions and building social bonds. In their study, perspective-taking meant viewing or imagining the world from another person's vantage point. It allowed sister cities to view each other from their different (or similar) perspectives, understand the emotions of each other, and empathize with one another. This improved the solidarity between sister cities, facilitating mutual support during crises and promoting trade agreements and educational exchange programs.

### ***Holistic Logic***

Holistic logic assumes that people are connected in a larger coherent universe through universal communication and that no one exists outside the whole. Gunaratne (2010, 475) stated that the universe is a network of hierarchical systems; nothing is isolated or exists independently. Changes are viewed as integral parts of existence. Studying only parts of the universe without studying the whole universe distorts reality. Holistic logic considers the overlapping relations among world states regarding roles and responsibilities. Huijgh (2019, 70) added that every successful instance of PD began at home or within a domestic audience before it expanded to reach foreign audiences.

Asante, Miike, and Yin (2014, 6) argued that an individual's consciousness expands with time and experience to advance intercultural communications. Therefore, the increased connections among various regions that the internet has enabled have made access to information easier, making individuals and INGOs feel connected to the whole universe and empowering them to change traditional forms of diplomacy (Auer, Srugies, and Loffelholz 2012, 1). Nations require points of contact to express their responsibilities to each other efficiently.

The overlapping assumption of holistic logic is that complete connectivity extends outward as countries expand their efforts to reach specific foreign audiences. Interconnectivity among states expands in time and space to include historical and future relations. Fang and Faure (2011, 321) added that globalization has affected every area of life and that embracing diversity in communication is vital for creating a holistic universe. Thus, individual nations that seem to be opposites may embody the same elements, and this reality can be the basis for forming a changing unity (Fang and Faure 2011, 325). In a diverse universe, communication among nations can create positive relations.

## **METHODOLOGY**

A qualitative methodology explored how overlapping communication logic enhanced Jordan's global PD. A qualitative systematic literature review of published works on Jordanian diplomacy provided data that could be analyzed to conclude (Seers 2015, 36).

### **Data Collection Procedure**

Data were collected from published peer-reviewed journals and books. Articles were obtained by searching Google Scholar and Z-Library. Search terms used included "public

diplomacy", "humanitarian diplomacy", "Jordan", "Jordan diplomacy", "communication logic", and "Jordan foreign policy". Works were included if they had a full text and had been published or accepted for publication from 2013 to 2022. Works with only a title page and abstract and those published before 2013 were excluded. Eligible articles had to be PDFs or in another readable format.

## Data Analysis

A template was used to obtain data on the three communication logics from each article or book (Table 1). Data were categorized in each of the communication logics.

**Table 1: Template Showing How Each Included Work Met the Definition of Communication Logic (Source: Author's depiction)**

| Author(s)                        | Individual Logic   | Relational Logic  | Holistic Logic   |
|----------------------------------|--|---|--|
| Carmi, Alsayegh and Zoubi (2019) |  | Jordan empowered women to become water diplomats.   | Jordan eliminated national, regional, and international discrimination against women (p. 8).<br><br>Jordan formed a regional strategy for peace and security for women.            |
| Ayasreh et al. (2020)            | Jordanian students had positive attitudes about learning English as a global language (p. 3077).   |   |  |
| Ulrichsen (2015)                 | Jordan's King Hussein was viewed by the US as a brave anti-communist sovereign during Cold War.<br><br>US and Jordan remain close security partners (p. 662).      |   |  |
| Ben-Dror and Ziedler (2015)      |  |   | From 1948 to 1950, an Israeli-Jordanian agreement was formed to discourage the UN from internationalizing Jerusalem (p. 637).  |
| Toukan (2021)                    |  | Jordan expanded its investment in upgrading museums such as the Jordan Gallery of Fine Arts and the Jordan Museum in Amman (p. 5).  | Jordan, as part of the Arab region, developed closer ties with Europe and North America to fund arts.  |
| Ayasreh (2023)                   | Jordan's approach to humanitarian diplomacy has received attention from around the world and funding from European and other international organizations (p. 178). | Following the earlier hosting of refugees from Iraq and Palestine, Jordan has established itself as a diplomatic and humanitarian state in the international community (p. 176).<br><br>Jordanians and Syrian refugees work to increase | Jordan enjoys a favorable reputation abroad thanks to the increased collaboration between the Jordanian government, foreign nations, and NGOs to promote humanitarianism (p. 179). |

|                           |  |  |   |
|---------------------------|--|--|---|
|                           |  | the nation's economy for everyone's benefit (p. 180).  |   |
| Twigt (2018)              |  | Using technologies among Iraqi refugees in Jordan helped them reorganize themselves (p. 5).  | Jordan's issues regarding Iraqi refugees are a worldwide crisis (pp. 2-4).  |
| Anholt and Sinatti (2019) |  | Jordan's welcoming of Iraqi and Syrian refugees increased its international status.<br><br>Jordan allowed refugees to live in communities with local citizens to help them live normally (p. 322). | Jordan hosted 655,000 to 1.3 million refugees from Syria (p. 320).<br><br>Jordan participated in Regional Response Plan to protect Syrian refugees (p. 321).    |
| Al-Weshah (2014)          | During the 2011 Syrian uprising, Jordan remained neutral to maintain closer diplomatic relations with Syria, despite long-standing strained relations with Syria, Jordan considered the uprising an internal affair of Syria and therefore did not interfere (p. 197). | Jordan enhanced strong communications for strong relations with Syria through non-interference.  |   |
| Kettle (2016)             |  |  | King Hussein requested support from US President Eisenhower during the Suez crisis, indicating that Jordan and US had universal support for each other (p. 56). |

## FINDINGS AND DISCUSSION

The qualitative systematic literature review to explore three communication logics produced ten works for analysis.

### Individual Logic

Individual communication logic argues that a country is a communicator seeking to explain its national interests to a foreign public (Zaharna 2020, 103). Jordan's use of individual logic was discussed by Ayasreh et al. (2020, 3077), Ayasreh (2023, 178), Ulrichsen (2015, 662), and Al-Weshah (2014, 197). Ayasreh et al. (2020, 3077) examined how Jordanian university students felt about learning English as a global language and found that they had positive attitudes toward learning English. The findings communicate to other audiences who speak English as a foreign language that Jordanians are interested in learning and communicating in English to promote global integration.

Ayasreh (2023, 178) proved individual communication logic when he examined the effect of Jordan's humanitarian diplomacy strategy for Syrian refugees on its foreign policy. Jordan's approach to humanitarian diplomacy has received attention from around the world and funding from European and other international organizations. This situation can also have attributes of relational and holistic logic.

While examining the contributions of Middle East diplomacy during the Cold War, Ulrichsen (2015, 662) found that the United States considered King Hussein of Jordan a brave anti-communist sovereign when he interceded to halt a populist military coup in 1957. The action became Jordan's legacy in the Middle East and earned it a positive reputation there and internationally. Today, Jordan and the United States have remained close partners in ensuring world security to benefit both countries.

Al-Weshah (2014, 197) demonstrated individual communication logic when he examined Jordan's diplomacy with Syria during the 2011-2013 Syrian crisis. The logic stresses that each nation is autonomous and separate from other nations and, thus, that no country should interfere with another country's internal affairs. Jordan's non-interference in the Syrian crisis showed that Jordan viewed the situation as an internal affair, and this promoted good relations with Syria. Recognizing the importance of non-interference and communicating this to others can promote PD. While these findings can be categorized as individual logic, they also have attributes of relational logic. Even though communications between Jordan and Syria had been strained for a long time, Jordan held to its policy of non-interference in Syrian affairs so that good trade relations would continue.

## **Relational Logic**

Relational logic maintains that all individuals in the universe are connected (Zaharna 2020). The public is a country's domestic public. A nation strives to improve its image in the domestic and international arenas (Zaharna 2020, 104). The literature review found six articles that demonstrated Jordan's use of relational logic to enhance its PD (Ayasreh 2023, 176-180; Carmi et al. 2019, 8; Toukan 2021, 5; Twigt 2018, 5; Anholt and Sinatti 2019, 322; Al-Weshah 2014, 197). After the Arab Spring revolution of 2011-2012, Europe and America found that the only way to promote their foreign policies in the Middle East was to fund artists to enhance cultural diplomacy and regional democratization. This would win the hearts and minds of enemies and opposers of Western influence (Toukan 2021, 1-10). They funded the Al-Balad Theatre in Amman, Jordan, strengthening relations between the West and Arab countries. In this way, relational communication logic that promoted art in the Middle East also maintained close relations between Europe, America, and the Middle East. Strong relationships with the West allowed Jordan to acquire Western art capital and upgrade museums such as the Jordan Gallery of Fine Arts and Jordan Museum in Amman, promoting PD with the West.

Another application of relational logic was demonstrated by Carmi et al. (2019), who studied women in water diplomacy in Jordan, Palestine, and Lebanon. Jordan has a strong cultural influence regarding its gender parity and demonstrated gender equality in the employment of water diplomats. Carmi et al. (2019, 8) found that 25% to 50% of employees in the Jordanian water sector were women; this showed that all individuals in the country were considered equal and capable of promoting diplomatic relations in any sector. Endorsing equality for all individuals at all levels of society sent a strong message to the foreign public that Jordan valued all people and improved the country's image globally. Although the research was classified as relational logic, it overlapped somewhat with holistic logic. Jordan acted to



eliminate gender discrimination in diplomacy and followed the regional strategy regarding women's peace and security, promoting PD.

Relational logic was demonstrated by Twigt (2018), who examined how technologies improved the lives of Iraqi refugees in Jordan (p. 5). Jordan used technology to make it possible for Iraqi refugees to reorganize themselves and keep in touch with their families in Iraq. This use of relational communication logic led to enhanced PD. Anholt and Sinatti (2019, 322) also explored the refugee issue in Jordan. They highlighted the increasing number of refugees and the fact that some lived in local communities. This increased Jordan's status as a promoter of human interactions and showed Jordan's efforts to enhance connections among refugees and Jordanian citizens, improving the image of Jordan internationally. Ayasreh (2023) stated that following the earlier hosting of refugees from Iraq and Palestine, Jordan has established itself as a diplomatic and humanitarian state in the international community (p. 176). According to Ayasreh (2023), Jordanians and Syrian refugees work to increase the nation's economy for everyone's benefit (p. 180).

These situations also overlapped with holistic communication logic since the refugee issue in Jordan is a global issue, and every country's involvement is required to ensure the safety of every person on Earth. The hosting of 655,000 to 1.3 million refugees by Jordan (Anholt and Sinatti, 2019) benefitted Jordan because it received international support to promote the welfare of refugees, leading to international recognition.

## **Holistic Logic**

The premise of holistic logic is that people are embedded in a large relational universe and that communication is infinite since people continuously relocate themselves in an ever-changing relationship network over time and space (Zaharna 2020, 104). This leads to an expansive relational sphere from domestic to regional to foreign PD. The research found seven articles that discussed holistic logic in Jordan (Ayasreh 2023, 179; Carmi et al. 2019, 8; Ben-Dror and Ziedler 2015, 637; Toukan 2021, 5; Twigt 2018, 2-4; Anholt and Sinatti 2019, 320-321; Kettle 2016, 56). Although most revealed instances of overlap among logic regarding Jordan's PD, they all aimed to support the expansion of Jordan's public image nationally, regionally, and internationally. For instance, Jordan enjoys a favorable reputation abroad thanks to the increased collaboration between the Jordanian government, foreign nations, and NGOs to promote humanitarianism (Ayasreh 2023, 179). The action was considered holistic since it sought to broaden Jordan's relationships. While exploring relations between Israel and Jordan that concerned the internationalization of Jerusalem, Ben-Dror and Ziedler found that the two countries had a significant influence on Jerusalem and never wanted the United Nations to internationalize the city. Jordan wanted to continue owning a section of Jerusalem into which it had expanded, and Israel wanted to continue holding the other parts of the city to frustrate the internationalization process (Ben-Dror and Ziedler 2015, 637). The move was deemed holistic since it aimed to expand Jordan's relations beyond its normal boundaries, thus promoting its national and regional images.

Holistic logic was also demonstrated by Kettle (2016, 56) during the Suez crisis. During the crisis, King Hussein of Jordan asked for military support from US President Eisenhower to

protect its territory. Jordan's ability to obtain support from other nations when facing external threats indicated that countries were universally connected and that no single country could survive independently. Gunaratne's (2010, 475) argument that nothing exists independently in the universe has been shown by the collaborations among countries to overcome security threats.

Jordan's decision to accommodate 655,000 to 1.3 million refugees, as well as its agreement to participate in the Regional Response Plan that protected refugees from the Syrian Arab Republic (Anholt and Sinatti 2019, 322), was an example of holistic communication since the decisions enhanced Jordan's diplomacy regionally and internationally. Such decisions influenced Jordan's domestic PD and foreign PD by presenting Jordan as an accommodating, peaceful country.

## CONCLUSION

This research explored three communication logics and examined how Jordan used overlapping communication logic to enhance its global PD. The findings indicate that the actions undertaken by the Jordanian government can be classified into distinct categories, including individual logic, relational logic, holistic logic, or a combination thereof. This led to using the term "overlapping" in this research. The qualitative research involved a systematic literature review to find published works or works accepted for publication about Jordan's PD to answer the research question.

One limitation of this study was that it utilized a small sample of ten articles. Therefore, the recommendation is to conduct comprehensive research based on quantitative analysis to determine the perceptions of Jordanians regarding their satisfaction with the country's PD. This will help provide first-hand information that is currently missing.

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# CHINA-INDIA COUNTERBALANCING MEASURES THROUGH INTERNATIONAL CORRIDORS AND PORTS: THE FOCUS ON CHABAHAR AND GWADAR PORTS

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**Abstract:** *Beijing and New Delhi, as new world emerging powers, despite border skirmishes, have not considered themselves arch-rivals. Still, the necessities of real politics have forced India to take counter-measures towards China's grand connectivity strategy in the framework of BRI and the Maritime Silk Road. This article assumes that China's grand connectivity strategy has not targeted India in particular, but unavoidably it has affected India's strategic interests in the Indian Ocean and Eurasia. In a qualitative and case study methodology, this research explains China's grand connectivity strategy and how it affects Indian strategic interests. It also elaborates on India's counter-measures vis-à-vis China policy. It concluded that the Chinese connectivity strategy has affected Indian strategic interests in the Indian Ocean and Eurasia. Therefore, Chabahar, Gwadar ports, and Malacca Strait are centers of gravity in these great connectivity rivalries.*

**Keywords:** *China-India; BRI; Silk Road; Chabahar Port; Gwadar Port; Strings of Pearls; Necklace of Diamond*

## INTRODUCTION

In the last two decades, access to reliable and sustainable energy sources and connection to the large market of the Eurasian geography has been the central issue in the foreign policy of two emerging powers, i.e., China and India. In this period, China and India had the highest economic growth among the world's countries. These countries have experienced significant economic growth despite the global economic recession. China's annual economic growth averaged 10.5% between 2001 and 2010 (International Monetary Fund 2019, 160) and 9.7% from 2010-2017 (United Nations 2019, 182). After the United States, this country has the largest economy in the world, with more than 17.73 trillion US dollars in GDP in nominal value in 2021 (World Bank 2021).

Meanwhile, India has gotten more than 2.7 trillion dollars in GDP in little value and is ranked as the fifth largest economy in the world after Germany (World Bank 2019). In 2017-2010, this country experienced annual economic growth of 7.3%, and in 2018, it was 7.4% (United Nations 2019, 183). It is predicted that by 2050, China and India will rank as the first and second world's largest economies (PWC 2023).

These two major Asian emerging economies have focused on international corridors to expand the sphere of influence, exporting surplus products, accessing large consumer markets, providing reliable and stable energy, and pursuing and securing national security in great

Eurasia. However, they do not openly confirm the strategic competition between them. In this regard, Chinese President Xi Jinping, on his official visit to India, called this country Beijing's strategic partner and opined: "We plan to partner with each other to take our strategic and cooperative partnership of peace and prosperity to a higher plane" (The Times of India 2014). Narendra Modi, Indian Prime Minister, highlighted the significance of a good relationship between two of Asia's major economies: "Harmonious partnership between India and China is essential for economic development and political stability of the continent" (The Economic Times 2015). However, Beijing has initiated the China-Pakistan Economic Corridor project centered on Gwadar Port in Pakistan, an essential branch of the New Silk Road Project dubbed the Belt and Road Initiative (BRI).

On the contrary, the Indians have initiated the International North-South Transport Corridor (INSTC) centered on Chabahar Port. China's investment in Gwadar Port and India's initiative in Chabahar Port can be analyzed in the context of geopolitical competition between China and India in South Asia and access to Eurasia. However, the tip of the Chinese arrow is its competition against the US rather than India. However, China considers New Delhi one of Washington's allies in its global competition with the US. Hence, Beijing simultaneously intends to contain India in the geostrategic sphere of the Indian Ocean. Therefore, this research seeks to explain the geopolitical competition between China and India in connectivity initiatives such as the "Necklace of Diamonds" and "String of Pearls" in line with their international corridors initiatives emphasizing the role of Gwadar and Chabahar Ports in this geopolitical rivalry.

## LITERATURE REVIEW

In reviewing the research background on the issue, there are considerable outputs, some of which were cited in this article. Panda (2023) argues that India should take the initiatives to have bargain chips *vis-à-vis* BRI. So the INSTC will serve as a counter-incentive to BRI and check Chinese power in Central Asia, West Asia, and Eurasia. Omid and Noolkar-Oak (2022) elaborated on the importance of the Chabahar Port in India's access to Central Asia and Afghanistan. This research just addressed Iran-India relations, not the China variable. Aswani et al. (2021) recommend that India-Vietnam bilateral relations can counterbalance the Chinese BRI strategy, especially in China-Pakistan Economic Corridor (CPEC). They consider one of China's BRI targets to contain India, so they view Vietnam as a counterbalance piece to India.

Sharma (2019) argues that India has taken a selective approach to the various components of the BRI. India just publicly opposes the China-Pakistan Economic Corridor (CPEC) and no other relevant projects, so BRI, in a broad sense, is also beneficial to India. In this context, Singh (2019) believes that this project will be a potential threat and competitive structure in the region for India. Beeson (2018) states that the BRI is an excellent strategy game that forced India's counter-strategy. Indian researcher Sachdeva (2018) concluded that BRI-CEPT conflicts with India's geopolitical interests. Halder (2018) believes that India has designed its counter model to reach a kind of parity in connectivity issues to China's BRI. New Delhi's strategy encompasses Central, South East, and Africa. He believes India has not been passive but has taken a proactive foreign policy. Hu (2017) has studied China's BRI strategy and its opportunities and challenges for India. He believes this strategy will cause more Chinese influence in the



Indian Ocean and jeopardize India's interests. Das (2017) thinks the Chinese BRI strategy will provide multiple opportunities for Beijing in South Asia and create challenges for India. However, most of the above research elaborates on the Chinese and Indian counter strategies in connectivity issues. They should have addressed the Chabahar and Gwadar ports as determining points in the two great powers' connectivity rivalry. Furthermore, this paper argues that INSTC plays a principal role in India's grand strategy to balance *vis-à-vis* China BRI. Therefore, in India, more investment in Chabahar is a must.

### CHINESE CONNECTIVITY INITIATIVES WHICH AFFECT INDIAN INTERESTS

China's strategy to maintain its strategic interests in the Indian Ocean, which affects India's strategic interests, has appeared in two ways. One is the expansion of the Maritime Silk Road with considerable investments in the critical ports of the beneficiary countries, as well as the hypothesis of establishing the Thai Canal and a direct connection between the China Sea and the Indian Ocean for encircling Malacca Strait. The second is the solid economic interdependence between China's economy and the countries of ASEAN and South Asia.

The Strait of Malacca, with 65,000 square kilometers, is a waterway connecting the Andaman Sea (Indian Ocean) and the South China Sea (Pacific Ocean), which is located like a river between the Indonesian island of Sumatra in the West and the Malaysia peninsula in the West and southern Thailand in the East. This funnel-shaped strait is 800 kilometers long and comes from the commercial Port of Malacca, which was very important in the 16th and 17th centuries. Approximately 60% of the world's maritime transport, more than 150 ships a day, most of which are colossal oil tankers from the People's Republic of China and Japan, pass through this strait; thus, about 25% of the oil transported between the Middle East and Asia passes through this strait; a figure that has steadily increased with the growth of the population and wealth of China and other regional powers (Seyedi 2022). The Strait of Malacca is playing geographically a vital role for the entire Indo-Pacific region, which is why many countries in the area, including China and even the United States, are eager to protect this passage. The fact is that there is a big potential competition between two Asian powers, namely China and India, in the Strait of Malacca region, which has become known as the "Malacca Dilemma". Due to the increasing presence and influence of China in the Indian Ocean, India, in response, has taken precautionary measures and has expanded its presence from its eastern coast to the strait in order to maintain balance. India is advancing its positions towards the western mouth of the strait to watch China's maritime strategy, which focuses more on Malacca. India's location at the mouth of the Straits of Malacca has created panic among Chinese officials, so they are trying to find an alternative route.

It should be noticed that most of China's oil imports from the Persian Gulf, Venezuela, and Angola and raw materials from Africa, where China has invested billions of dollars in mining projects and infrastructure, are carried out through the strategic Strait of Malacca. In the case of tension between Beijing and New Delhi, the Strait of Malacca will be easily impacted by India; because of India's natural position in the Indian Ocean, with logistical capabilities in the Indian Andaman and Nicobar Islands at the mouth of the strait, allows the country's navy to have a comparative military advantage.

The fact that both the US and India enjoy a strategic advantage over China in the Strait of Malacca has persuaded Beijing to explore other options for an alternative. China has taken several initiatives to ensure its maritime security. One proposal has been the creation of the Thai channel. This hypothetical canal is along China's most ambitious infrastructure and a regional project dubbed the Maritime Silk Road. This controversial canal will be built south of Thailand's Kra Isthmus - the narrowest point of the Malay Peninsula - which could become China's second gateway to the Indian Ocean. As Figure 1 shows, the canal will enable China's navy to move its ships between its newly established base in the South China Sea and the Indian Ocean without traveling the 700-mile route south to bypass Malaysia (Foreign Policy 2020). The Thai government has yet to conclude China's construction of this canal. In February 2018, Thailand's Prime Minister Prayut Chan-o-cha declared that the canal was not a government priority (Strait Times 2018). However, on 16 January 2020, the Thai House of Representatives agreed to set up a committee to study the Thai Canal project (Bangkok Post 2020). Nevertheless, if it is built, China's geopolitical privileges in the Indian Ocean will increase in disadvantage of India.

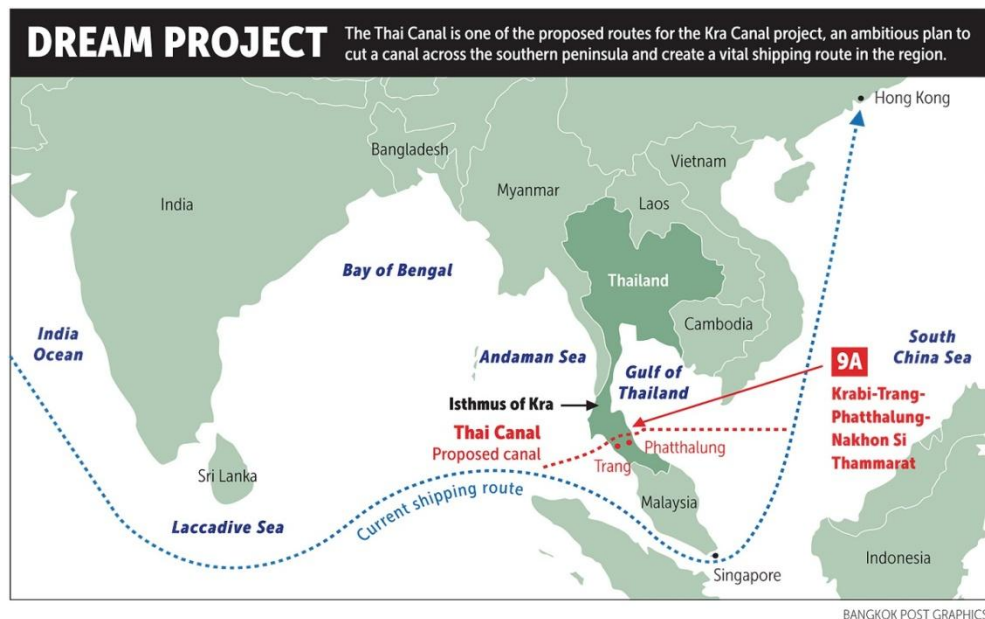


Figure 1: The Hypothetical Thai Canal (Source: Bangkok Post 2020)

Another project of the Chinese Maritime Silk Road is a massive investment in the construction and long-term lease of ports in the coastal countries of South Asia, such as Chittagong Port in Bangladesh (about 24.1 billion), Myanmar's Kyakpyo Deep Water Dam (about 7.4 billion), deep water Port of Gwadar, Pakistan (about 50.6 billion), Hambantota Port of Sri Lanka (about 14.7 billion), Havana mega project of Maldives, a \$10 billion Port in Bagamoyo of Tanzania, etc. which these ports play the role of connecting bridges link China to the Indian Ocean (Mukherjee 2018). In this regard, China's 10-year contract with the Djibouti government (extendable for another ten years) in January 2016 to establish a support facility for the Chinese Navy at Bab al-Mandab is another example of an ambitious Maritime Silk Road in the Indian Ocean. Beijing also poured a \$350 million investment in the Port of Djibouti (Manson 2016).

China also owns over 100 ports in approximately 63 countries. Over 80 percent of China's overseas port terminals are owned by the "big three" terminal operators: China Ocean Shipping Company (COSCO), China Merchants Group (CMG), and CK Hutchison Holdings (Rochat 2021).

Economically, China's growing presence in the Asian market is worrying India. In the field of investment, according to the estimate of India's Gatehouse Institute, in the last decade, China spent more than 150 billion dollars in various sectors of South Asian economies, including ports, airports, transportation, energy, leasing, industrial and economic urban infrastructures, research and development, space, mines, and agriculture which, among other things, covers 60 projects in Pakistan, 33 projects in Myanmar, 50 projects in Bangladesh, 38 projects in Sri Lanka, 37 projects in Nepal and 20 projects in Maldives (Bhandari and Mindal 2018). Based on the data analysis of 261 Chinese projects in Central Asia by January 2019, China, along its the Belt and Road Initiative, has invested 136 billion dollars in projects in the fields of minerals and oil, industry, nutrition and agriculture, finance and IT, road and rail connections, energy connections and non-governmental projects in Central Asian countries (Kazakhstan 102 projects, Kyrgyzstan 47 projects, Tajikistan 44 projects, Uzbekistan 43 projects and Turkmenistan 26 projects) (Vakulchuk et al. 2019). Meanwhile, based on the IMF statistics, India's total turnover with Central Asia has increased from \$108 million in 2000 to \$1.5 billion in 2017 (The Economist Intelligence Unit 2019). According to the statistics of the "Indian Mission to ASEAN", between 2000 and 2019, foreign direct investment from ASEAN to India was 90.802 billion dollars. India's total investment in ASEAN by 2020 was about 2 billion dollars (Indian Mission to ASEAN 2022).

Meanwhile, China-ASEAN bilateral trade even bucked the negative trend caused by the pandemic, jumping from US\$641.5 billion in 2019 to US\$975.3 billion in 2022 (Mission of China in ASEAN 2023). Meanwhile, the total trade between India and ASEAN in 2021 did not exceed 78.90 billion, and India, with imports (47.42 billion) more than exports (31.48 billion), has a negative trade balance of -15.93 (Indian Mission to ASEAN 2022). Similarly, from 2015 to 2019, export goods from China to the countries of Central Asia, it has increased from 17.563 billion to 26.207 billion dollars (China Briefing 2021). However, India's trade with the countries of this region has been at most two billion dollars by 2019 (The Economist Intelligence Unit 2019). Given the above figures, China seeks to maintain and promote ASEAN's asymmetric interdependence on its advantage through the promotion of economic cooperation, thereby preventing economic cooperation, thereby preventing regional and international competitors from gaining strength in this region (Chegnizadeh and Razavi 2022, 1-32).

China can access India's borders by land through the China-Pakistan Economic Corridor and China-Myanmar economic projects and gain a strategic advantage in a war with India. Also, some Indian and Western analysts believe that China, through enormous investments in the construction of ports in coastal and island countries of the Indian Ocean, follows a long-term maritime strategy called "Strings of Pearls" (Figure 2). According to this plan, the military bases that China is building will expand from Myanmar in Southeast Asia to Sri Lanka, Maldives, Pakistan in South Asia, and Djibouti in Bab al-Mandeb. Joint military maneuvers with Pakistan, Iran, Russia, and others in the Indian Ocean are evaluated in this regard. However, the Chinese never motioned that the target of their actions was against any county, including India. However, one primary potential purpose of Chines grand maritime strategy is India (Chegnizadeh and Razavi 2022, 1-32).



Figure 2: China's String of Pearls Strategy (Source: Rettig and Hayut-Man 2017)

### INDIAN INITIATIVES TO COUNTERBALANCE CHINA

Subrahmanyam Jaishankar (2022), Minister of External Affairs of India, in his recently launched book "The India Way: Strategies for an Uncertain World", writes that "this is a time for us to engage America, manage China, cultivate Europe, reassure Russia, bring Japan into play, draw neighbors in, extend the neighborhood and expand traditional constituencies of support" (p. 18). The whole paragraph can be clubbed into a current foreign policy of India. Using the word "manage" for China is - seems to be in the sense of competition or rivalry, and responsive, without delays. Extending neighborhood refers to engaging with new emerging countries, including South Caucasus and Central Asia, which have not been given much attention in previous administrations. India believes that despite China's official narrative, BRI is not just an economic development project, nor is it value-free. Its ultimate purpose is to build a Sino-centric Eurasian order in which Beijing's influence and power have significantly expanded. Through the expansion of financing of international trade and financial assistance in terms of reasonable interest, china is believed to create new spheres of influence which put countries in jeopardized situations. The recent examples are infrastructure projects in Sri Lanka, Myanmar, Pakistan, and Djibouti. Region-wise, all these four countries are incredibly significant for China as they fall in the trade route of its oil imports and their exports to Africa, the Middle East, and Europe. According to the report published in print, for example:

The World Bank stated that Djibouti's debt servicing costs tripled to USD 184 million from USD 54 million in 2021. A further increase to USD 266 million has been predicted for 2023. According to Boston University's Global Development Policy Centre data, Djibouti took USD 1.5 billion from Chinese lenders between 2000 and 2020. This is a huge amount, given the limited avenues of revenue in Djibouti to repay the loans (The Print 2022).

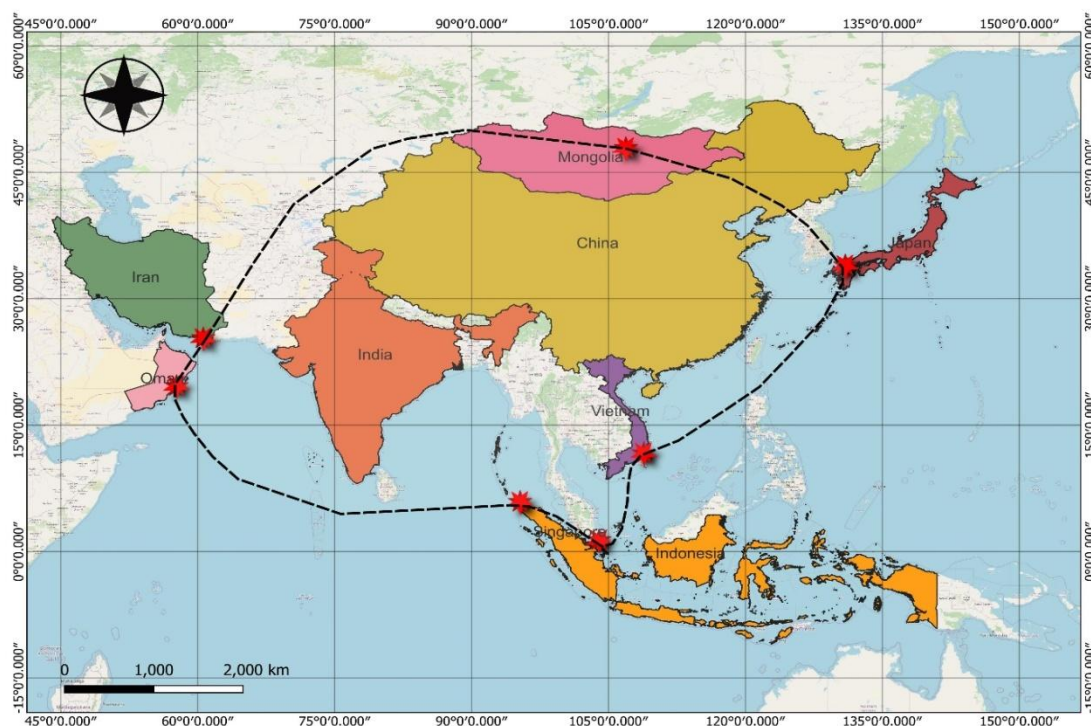
An actual quote from historian Alfred Mahan is his doctrine of maritime hegemony, stating that "Whoever conquers the Indian Ocean will rule all of Asia" (Ghosh 2011). With 28 nations scattered across three continents, the Indian Ocean region takes up 17.5% of the

planet's land area. Over 2.6 billion people, or more than 35% of the world's population, reside in this area. Some of the world's nations with the fastest growth rates are in the Indian Ocean region (Davis and Jonathan 2022). Apart from maritime trade routes, the Indian Ocean contains some of the most precious resources in the world. A large portion of the resources of the Indian Ocean is yet to be explored, and it is said that 16.8 percent of the entire world's reserves and 27.9 percent of natural gas reserves are in the Indian Ocean itself. It is one of the most strategic regions in the world, located at the crossroads of world trade itself, the Indian Ocean connects the international economies of the North Atlantic to the Asia-Pacific region, and it connects the central region's Main sea lane. What is impressive about the Indian Ocean is that 80% of the world's seaborne oil trade flows through just three narrow passages of the Indian Ocean in the Straits - the Strait of Hormuz, the Strait of Malacca, and the Strait of Bab-El-Mandeb. These points are called choke points. Because when these points are choked, most of the world trade halts. China is the world's largest manufacturing economy, an exporter of goods heavily dependent on trade, and a considerable chunk of trade happens via the Indian Oceanic. Noticeably, China has strategically emerged as one of the most important trading partners of the Indian Ocean region, accounting for 16.1 percent of its total good state as of 2017 (MERICS 2019).

India considers that the rising Chinese power has posed a threat to Indian interests, which includes "International Rule-Based Order" and "Free and Open Indo-Pacific". India also considers the Chinese "String of Pearls" a strategic move. As a result, in order to counterbalance China, India has been steadily operating in a stealth mode with something called the "Necklace of Diamond Strategy" (Figure 3) and through the alliance with the QUAD (Quadrilateral Security Dialogue), which is meant to develop a mechanism for cooperation among members in strategic intelligence and military exercises. It is, indeed, primarily envisaged to balance increasing Chinese hegemony. However, India's QUAD engagement may harm India's good relations with Russia as Russia's relationship with the USA has consistently deteriorated since the Crimea annexation in 2014, almost forcing Russia to cultivate good relations with China. Russia has always patronized Russia-India-China (RIC) trilateral formation, eventually giving birth to organizations such as BRICS and SCO. The QUAD is said to be against the RIC spirit. Therefore, India adopts a balanced approach between QUAD and SCO, BRICS. Particularly after the Russia-Ukraine war (2022), India began buying oil from Russia, which brought much condemnation from the West and perhaps weakened the QUAD.

Through the "Necklace of Diamond" strategy, India is attempting to increase naval cooperation, engagements, development aid, and Investments with the Indian Ocean countries. This strategy is not a part of any official Indian document, so one cannot claim which investment is under the strategy. However, it is an obvious indication from the various trade agreements that India has signed and set up strategic bases. Experts claim that the action is related to worries over China's expanding maritime influence in the area and is a part of Modi's "Act East" strategy to forge closer connections with the Association of Southeast Asian Nations (ASEAN) (Reuters 2018). The strategy was first discussed in 2011 by Lalit Mansingh, the foreign secretary. In reaction to China's "String of Pearls Strategy", as elaborated earlier, he used the phrase to describe India's actions to safeguard its interest (IAS Express 2022).





**Figure 3: Necklace of Diamond Strategy (Source: Authors' depiction)**

India first placed its base in Oman, where Duqm Port lies, to counter China's strategic placement at Gwadar and Djibouti. India's critical crude imports flow from the Persian Gulf through this port. This place is strategically located on the southeastern seaboard of Oman and overlooks the Arabian Sea and the Indian Ocean. It is also straddled by the critical sea lanes in the Arabian Sea and the Gulf of Eden. Oman is at the entrance to the Strait of Hormuz, through which one-fifth of India's oil imports pass. India has gained military access to this port due to its close ties to Oman. In 2019, India was the third-largest market for non-oil exports and the third-largest source of imports (after the United Arab Emirates and China).

The second choke point was the Mozambique channel in 2015. Prime Minister Modi signed an agreement with the Seychelles president to develop Assumption Island for military use. However, unfortunately, after this deal was done and because of protests organized by locals, the government changed this. As of now, this is in a shaky situation.

Third, the essential choke point is the Strait of Malacca, and the other two are beside Sunda Strait and Lombok Strait, the Changi naval base in Singapore. In 2018, Prime Minister Modi signed an agreement with the government of Singapore. This agreement has provided direct access to the Indian Navy, so while sailing through the South China Sea, the Indian Navy can refuel and rearm its ship through this space. In 2018, India got military access to Sabang Port in Indonesia. Sabang is less than 500 km from the mouth of the Malacca Channel, through which more than 40% of India's trade goes, and 710 miles southeast of the Andaman Islands (The Economic Times 2022).

Next is the strategy in Vietnam. India historically had a great relationship with Vietnam. From a meager US\$ 200 million in 2000, bilateral trade between India and Vietnam has steadily

grown. Statistics show that bilateral trade between India and Vietnam increased by 27%, reaching US\$ 14.14 billion in the financial year (FY) 2021–22. India's exports to Vietnam increased by 34% to US\$ 6.70 billion, while its imports from Vietnam increased by 21% to US\$ 7.44 billion. In FY 2021–2022, Vietnam was India's 23rd-largest trading partner internationally and its fourth-largest ASEAN trading partner, after Singapore, Indonesia, and Malaysia (Embassy of India in Hanoi Webpage). Vietnam and India have solid navy-to-navy cooperation, and India is one of the few nations with which Vietnam holds naval drills. In addition to Halong Bay, Hanoi permits the Indian Navy to dock in Cam Ranh Bay and Nha Trang, both of which it has asked India to develop (ORF 2022).

Among the last connecting points of the strategy is Japan. On 9 September 2020, India and Japan signed the Acquisition and Cross Servicing Agreement that would allow the militaries of both these countries to exchange supplies and services on a reciprocal basis, so again, Japan and India can use each other's support as per their strategic agreement. It gives a very close placement to the mainland of China. Rajesh Rajagopalan argues that India's strategy in the Indo-Pacific has become a "subset" of its policy towards China though there is no official recognition of the same. India's partnership policies towards the United States and Japan, particularly concerning the Indo-Pacific, reflect this stance.

On the other hand, certain aspects of collaboration are also evident with China, further complicating the mix of policies (Rajagopalan 2020). Following Japan, Modi became the first Indian prime minister to visit Mongolia. More importantly, India has established a robust relationship with Mongolia by giving out a US\$ 1 billion credit to develop an air corridor for Mongolia (The Economic Times 2015). Lastly, the Chabahar Port in Iran is also a part of the Chinese BRI initiative wherein China intends to have a railway line from China to Iran passing through Kyrgyzstan, Uzbekistan, and Turkmenistan, ending at Tehran in Iran. India agreed to build a deep-water port in Chabahar on the Gulf of Oman in 2015 when Iran was subject to crippling economic sanctions and diplomatic isolation. As part of this deal, Modi visited Iran and inked the agreement to build this port and accompanying infrastructure (Omidi and Noolkar 2022).

Once all these points are connected on the world map, one can notice its necklace around China. More importantly, they are strategically located points that can be used to counter the Chinese in case of any military conflict.

### **THE IMPORTANCE OF CHABAHAR AND GWADAR IN THE INDIA-CHINA CORRIDOR RIVALRY**

While corridors are generally demarcated in linear terms as defined by dominant modes of transportation, they also tend to deepen economic activity and create logistic hubs. This growing engagement will manifest in the proliferation of special economic zones, industrial parks, transport hubs, and other dedicated spaces, creating a new geography for organizing production, attracting investments, and regulating the labor supply. As a result of more excellent connectivity between these nodes and the mainland, the frontier would increasingly be transformed into a corridor, which turns into a more excellent means of geoeconomics activities. However, geopolitical tensions between countries tend to rule the geoeconomics and trouble



over political gains. There are today several connectivity projects that reflect this geopolitical thinking. Gwadar-Chabahar ports nexus is one of them. Both ports emerged out of the need for logistic hubs and geopolitical competition. Both are critical geopolitical points for the two emerging powers, India and China. These ports are located in Balochistan, a region that lost its independence in the 19th century during the “Great Game”. Now, the ports of Chabahar and Gwadar are re-entering a New Great Game era, with the potential for far-reaching repercussions and consequences (Hosseinbor 2016; Singh and Singh 2019, 177). Gwadar is Pakistan’s third most important deep sea port after Karachi and Qasim ports. For China, Kazakhstan is a gateway to Europe, and Pakistan is a gateway to the Indian Ocean. It is at the cross-junction of Pakistan’s international sea shipping and oil trade routes. It can act as an international trade hub for Pakistan. However, a very relevant question needs to be raised here: Pakistan is fearless of having a Chinese presence in its territory, which may lead to a complicated relationship with the West.

China secures energy supply and strategic CPEC-BRI dominance westwards, funding Pakistan’s infrastructure and improving technology, market, and people’s livelihood. Nevertheless, Gwadar is operational, but the transport infrastructure linking it to the rest of the country is still lacking. Once it is connected to the rest of the country and region, it will raise the poor inhabitants’ living standards. Nevertheless, Baluch leaders have argued that the CPEC is perceived as exploitative, just like the railway lines, bridges, telegraph lines, and strategic garrisons that had been built by the British to maximize exploitation and counter the Russian movement towards the warm water ports and that had been made without the participatory process of the local population. Although Pakistan has committed to increasing security for the CPEC’s employees and facilities, this may be ineffective and invite further sub-nationalist responses (Sengupta 2019). The CPEC project claims to draw a sizable number of laborers from outside Baluchistan, in addition to Chinese people. Baluchistan’s ethnic demographics, which are already a source of contention for nationalists, are expected to change. From the beginning, India was interested in Gwadar Port and blamed Pakistan for illegally ceding it to China. India has expressed its displeasure several times, claiming that building infrastructure in conflict areas violates international law. It challenges China’s neutrality on Kashmir issues (a long-standing dispute between India and Pakistan).

The CPEC provides an alternative north-south connection to the International North-South Transport Corridor that India supports. The Russians had recently shown some interest, particularly after its total war with Ukraine when India began buying oil from Russia, and trade figures between Russia and India skyrocketed. Given the emerging rules and regulations that would govern global trade and the global reality of a China-centered trade network overlapping with a Russian-directed economic community engulfing both Asian overland and maritime routes, either developing a logistical alternative or connecting with the existing frameworks would be essential for India’s agenda of economic development and urbanization (Sengupta 2019). Gwadar is exceptionally significant for China as most oil imports come from the Middle East through the Indian Ocean (the Strait of Malacca). According to a Warsaw Institute report, more than 70 of China’s petroleum and LNG exports are shipped through this strait of Malacca; on top of that, 60 percent of China’s trade flows are moved through this trade passage and the South China Sea (Paszak 2021). If China does something like Russia, which an invasion of Taiwan

or any other nation, the USA and India can use an alliance with Singapore to choke this point and when done so, immediately seventy percent of China's oil supply, as well as 60% of their trade, will be blocked or slowed down. If done so, these ships will have no other option but to take a very long route that is said to cost them 200 billion dollars a year, and even in those routes, there are USA allies who can make it very difficult for Chinese trade to happen.

Similarly, China has many vulnerabilities in its trade route, making it difficult to command a superpower. China intends to build an alternate trade route. So, to overcome the marine limitations, China is hugely possessive about Gwadar Port, and it has provided billions of dollars in loans to Pakistan under the guise of aid and has indirectly begun owning CPEC. The port has been leased for 40 years. China recently won a contract from the Pakistani government to build a 3,021-kilometer strategic crude oil pipeline from Gwadar Port in Pakistan to Xinjiang in China. Pakistan has also agreed to grant tax exemptions for 20 years on profits of Chinese companies and revenues from oil pipelines. Then a highway will link Pakistan and China from Gwadar to Kashgar (ANI 2023).

Moreover, with Pakistan giving China a 40-year lease on Gwadar Port, India fears this will give China a foothold in the Arabian Sea and the Indian Ocean and challenge Indian naval dominance. It manifests China's desire to exert naval power in the Pacific and the Indian Ocean (Purushothaman and Unnikrishnan 2019, 76). As India anticipates, Gwadar Port may serve as a base for Chinese ships and submarines, posing a direct threat to India (Hafeez 2019, 23).

As mentioned above, through the Chabahar Port, India hopes to counter Pakistan's Gwadar Port. It was decided that Indian investments in the Chabahar Port would follow the build-operate-transfer (BOT) paradigm, whereby India would be given the right to manage the port for at least 40 years. In a broader context, Chabahar and the INSTC seem to be India's answer to China's much-promoted BRI initiative of global connectivity, as Chabahar is just 80 km from China's Gwadar Port in Pakistan, and it has the potential to be a competing exercise. (Kukreja 2020, 19; Khan 2020). The port's deep draft of 16 m is suitable for handling large shipment vessels and large ships (over 100 thousand tons) (Rashid 2022). The current capacity of Chabahar Port is 2.5 million tons per annum, increasing to 12.5 million tons per annum (ANI 2022). Modi intends to use Chabahar Port to ally with Iran and Afghanistan, counter Chinese dominance, bypass Pakistan, and enable land exchange between India and Afghanistan. In that sense, Chabahar can weaken Pakistan's decades-long rule over Afghanistan (Kukreja 2020, 19).

Once fully operational, it is not now because of reluctance shown by Indian developers due to the fear of secondary sanctions imposed by the US on businesses engaging with the Iranian Revolutionary Guards. This is because the Guards are connected to the great majority of Iranian businesses involved in the Chabahar Port project will be an essential turning point for India in realizing its goals in Central Asia. Therefore India continues to view the Chabahar Port as a "Gateway" to Central Asia. India has invested in Iran's Chabahar Port under a trilateral agreement that includes Afghanistan to develop that port and connect it to Afghanistan's Garland highway via Zaranj and Deralam (Khan and Koch 2021). From there, it could move further north, reaching republics in Central Asia and even Russia. The strategic importance of Chabahar to India as it serves as a gateway for Indian operations in Afghanistan and Eurasia. Chabahar is the shortest sea route for landlocked countries in Central Asia, and other alternatives are via Bandar Abbas ports in Russia, Turkey, or Iran (Raghavan 2022).

The recent blockage of the Suez Canal, which cost the world's economy a whopping US\$9 billion, has increased awareness of the Chabahar Port as a more expedient and affordable multi-modal transit corridor linked with INSTC (Cyril and Kotova 2021). The INSTC envisions the transportation of goods by sea from Mumbai, India, to Shahid Beheshti Port in Chabahar, Iran; by land from Chabahar to Bandar-e-Anzali, an Iranian port on the Caspian Sea; and by ship from Bandar-e-Anzali to Astrakhan, a Caspian Port in the Russian Federation; and finally, by Russian railways from Astrakhan to other parts of the Russian Federation and further into Europe (ANI 2023). Recently, INSTC has come into more limelight due to the Russia-Ukraine war and Iran (due to sanctions from the USA, both went off SWIFT and are under pressure to find new ways for their economies to run smoothly). Since INSTC is a cheaper and faster route than the conventional Suez Canal (Figure 4), it is argued that the former has the potential to be an alternative to the latter. Directions through Armenia and Georgia are also of interest to India. However, whether the latter direction is attractive for the delivery of goods to Russia and Europe or whether it is only intended to connect the countries with the trade markets of the Asia-Pacific region, this Indian position has not yet been clarified. Chabahar has been exempted from sanctions by the USA. However, the railway connection between Chabahar and Zahedan is still lost. In early 2021, on the Indian initiative, a working group of India, Afghanistan, Iran, and Uzbekistan was created to use this transport hub jointly, and after the withdrawal of foreign troops from Afghanistan, Indian Prime Minister Narendra Modi, at the Shanghai Cooperation Organisation (SCO) summit in Tajikistan, confirmed Indian interest in the further development of this port together with the Central Asian countries. He said that: "the countries of Central Asia, together with India, will be able to unlock the possibilities of Chabahar" (Business Standard 2022). The Indian External Affairs Minister Jaishankar highlighted the region's fundamental principles of transport corridor cooperation. He underlined that connectivity efforts must be consultative, transparent, and promote economic activity instead of creating debt burdens, an indirect reference to concerns about China's Belt and Road Initiative (Hindustan Times 2021).

Therefore, the development of Chabahar Port is very important for India in its connectivity strategy. This port will allow India to bypass Pakistan and establish trade relations with Afghanistan directly and thereby containing Pakistan's influence in this country in the post-Taliban era. This port will also help India to increase its exports to the destination countries and reduce the cost of transporting its export goods through the INSTC by 30%. At the same time, realizing the Chabahar development plan will allow India to counterbalance China's presence in the Oman Sea and Pakistan's Gwadar Port. This last reason explains why the US recently exempted Chabahar Port from its terrible sanction regime against Iran.

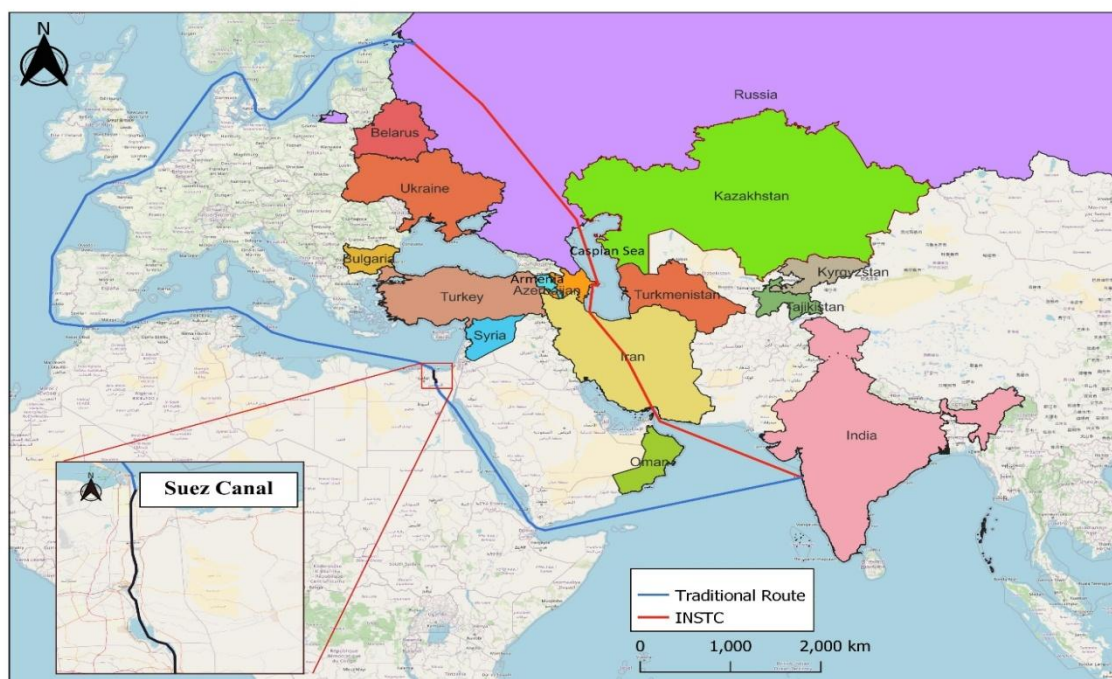


Figure 4: Traditional Route (Via Suez Canal) vs. INSTC Route (Via Chabahar Port in Iran)  
(Source: Authors' depiction)

## CONCLUSION

By global standards, China is now considered a *de facto* world power, and India is recognized as a rising power. In 2023, China and India currently rank second and fourth in the world regarding military spending, respectively. They have made significant progress by possessing nuclear weapons and achieving high economic growth rates. The relations between Beijing and New Delhi can be defined in the framework of “cooperation and competition” in which the competition characteristic is highlighted. With the increase in Chinese investments inside India, the latter has become China’s most important trading partner. In addition, the presence of the two countries in the Shanghai Cooperation Organization and BRICS has brought them closer to each other. However, Chinese President Xi Jinping’s bold geopolitical policies in India’s geopolitical sphere, especially in the Indian Ocean, and territorial disputes have brought about India’s concerns. China has tried to create geopolitical privileges in the Indian Ocean by investing heavily in long-term lease agreements along the Maritime Silk Road in the ports of Myanmar, Bangladesh, Sri Lanka, Maldives, Pakistan, Djibouti, Tanzania, etc. China’s presence in the Indian Ocean and establishing a military base in Djibouti was Beijing’s first tangible presence outside its territory, which India considers a potential challenge. At the same time, China, by creating a complex economic interdependence with the South Asian and ASEAN countries, has been directing the political and economic relations of the region to its advantage. In any case, India wants to increase trade with China, making New Delhi more dependent on Beijing. This happens while India knows China’s increasing political and economic influence in the region.

While India has yet to join China's New Silk Road Initiative, New Delhi did not oppose it either. However, it is simultaneously trying to balance with Beijing through geopolitical balancing strategies such as the "Necklace of Diamond", participation in the North-South Corridor, the formation of the QUAD, and so on, so these measures to create a network of partners for itself in Asia-Pacific region.

In the meantime, by adopting a connectivity strategy, India and China have been seeking secure and easy access to the resources and markets of Eurasia and the Indian Ocean region. In this strategy, the land of Pakistan and Iran are recognized by China and India as a suitable balancing place for establishing trans-Asia communication corridors. The two ports of Gwadar and Chabahar have appeared as focal points in the communication corridors as rivals in the geopolitical competition between China and India. By Gwadar Port, China has created a new geopolitical privilege *vis-à-vis* India. On the other hand, India is trying to deal with the geopolitical challenges of China and Pakistan by participating and investing in the INSTC with a particular focus on the Chabahar Port. In this framework, Chabahar Port is more than a commercial port in India's foreign policy. In other words, India is trying to improve its geopolitical and geoeconomic weight against China through the Chabahar Port and Iranian territory. According to the Indian government, Iran's land and Chabahar Port not only connect India to Central Asia but can also play an essential role in balancing India against China's grand connectivity strategy. Therefore, it is not without reason that India named 31 July Chabahar Day.

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# UKRAINIAN MIGRATION DURING THE FIRST YEAR AFTER THE BEGINNING OF THE RUSSIAN ARMED CONFLICT IN 2022

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**Abstract:** *This study examines the evolution of Ukrainian refugees during the first year after the start of the full-scale armed conflict on 24 February 2022, which resulted in a severe humanitarian crisis and high levels of migration both within Ukraine and towards Europe. Using official statistics, the changes in border crossings from Ukraine to neighboring countries during the first year of the conflict are investigated. Additionally, surveys conducted with Ukrainian refugees in several European countries and author interviews conducted in Bulgaria, Spain, and Germany reveal the specific needs of refugees and the main challenges to successful integration into host labor markets and societies. The Temporary Protection Directives and other local protection programs are analyzed in this study, accompanied by a comprehensive discussion on similar initiatives. The primary conclusion drawn from this research affirms the presence of substantial challenges in the successful integration of Ukrainian refugees into host societies, despite the efforts made by the respective governments.*

**Keywords:** *Ukrainian Refugees; Europe; Border Crossings; Ukraine; Temporary Protection Directives*

## INTRODUCTION

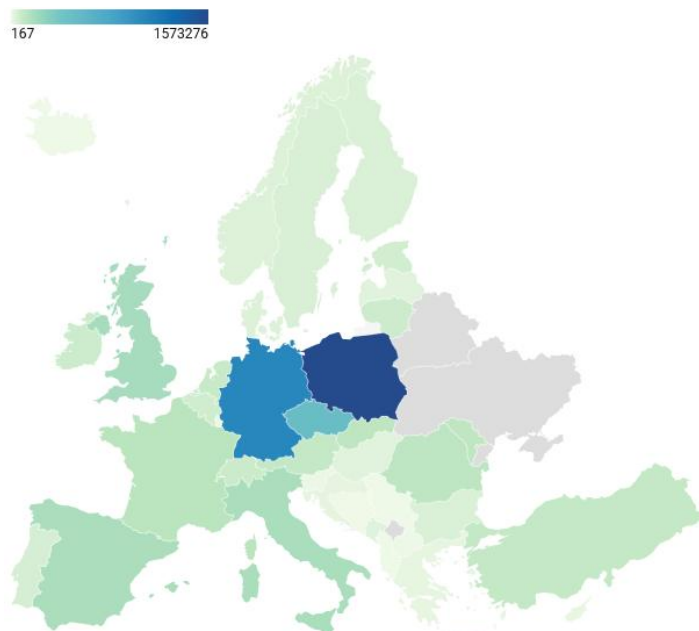
The Russian-Ukrainian armed conflict originated in 2014 with the Euromaidan protests and the referendum in Crimea, which the Russian Federation has annexed. Later, in April 2014, demonstrations by pro-Russian groups in Donbas escalated into several years-long armed conflicts between the Russian separatists and Ukraine's Armed Forces.

In 2021 and early 2022, major Russian and Belarusian joint military exercises occurred near the Ukrainian border.

On 21 February 2022, Russia officially recognized the two self-proclaimed separatist states in Donetsk and Lugansk and sent troops into their territories. Thus, on 24 February 2022, Russia started an armed conflict with the whole of Ukraine. This immediately resulted in a major humanitarian crisis and large-scale migratory flows inside Ukraine and toward Europe.

According to the United Nations Refugee Agency (UNHCR), in mid-March 2022, at least 6.5 million people were estimated to have been internally displaced in Ukraine, and over 3.9 million refugees fleeing Ukraine have been recorded across Europe (Filo 2022; UNHCR 2022). At that time, the number of border crossings from Ukraine to the neighboring countries showed high migration flows of Ukrainian refugees as follows: Poland - 1.830.711, Romania - 459.485, Moldova - 337.215, Hungary - 267.570 and Slovakia - 213.000 (UNHCR 2022).

One year later, recorded by mid-March 2023, it shows that more than 8.113.170 Ukrainian refugees settled in Europe. The countries mentioned above continue to host a significant number of Ukrainian refugees: Poland (1.573.200), Germany (861.300), Slovakia (112.360), Romania (110.000), Moldova (107.200), and Hungary (34.300). Figure 1 below illustrates the resettlement situation as of mid-March in various European countries (UNHCR 2023).



**Figure 1: Ukrainian Refugees Settled in Europe by Mid-March 2023** (Source: Own elaboration using data from UNHCR 2023 - Interactive map in <https://datawrapper.dwcdn.net/5yWkK/2/>)

It should also be noted that by 31 December 2022, there have been 602.337 border crossings of third-country nationals (TCNs) from Ukraine into one of its neighboring countries since the beginning of the war. About 53% of all crossings of TCNs were reported by Poland, followed by Romania at 22%, the Republic of Moldova at 12%, Slovakia at 9%, and Hungary at 4%. The main nationalities vary due to the residence of these people before leaving Ukraine and to the proximity to different countries of origin in Europe, North America, Central Asia, and the Middle East (IOM TCN 2022).

Contemporary Ukrainian migration has been a subject of intensive study by several scholars. Since the collapse of the Soviet Union, Ukraine has been struggling with economic and social problems, which resulted in massive emigration towards Western Europe and especially the Visegrád countries (Poland, Czechia, Slovakia, and Hungary) due to their proximity and ethnic and historical ties with Ukraine (Iglicka and Weiner 2008, Benč 2016, Eröss et al. 2016, Jaroszewicz 2018). Migration from Ukraine to Hungary had special characteristics due to geopolitical and economic factors and the presence of a large Hungarian minority in Transcarpathia (Eröss et al. 2016). The immigrant flows to Poland, the Czech Republic, and recently Slovakia was positive due to the characteristics of the labor market (Kaczmarczyk 2015; Strielkowski and Gryshova 2016; Benč 2016; Koroutchev 2020; Koroutchev and Novotný 2020).

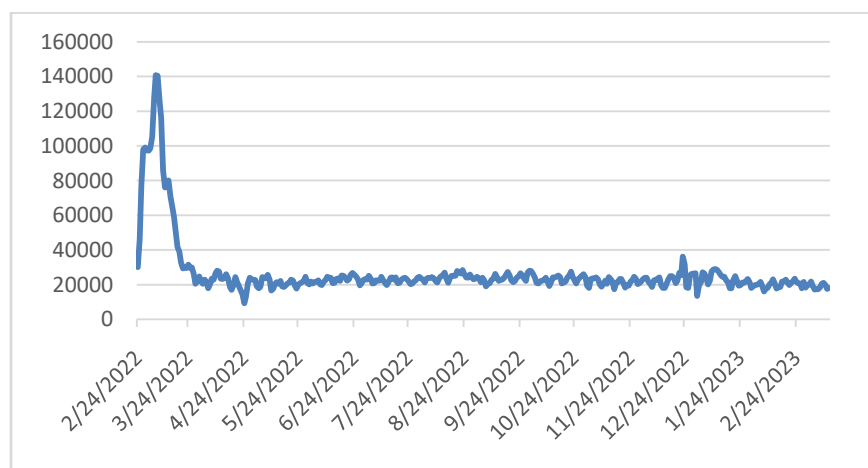


The analysis after the beginning of the armed conflict on 24 February 2022 has also been the focus of numerous studies concerning historical perspectives (Bauer 2022), the beginning of the conflict (Welfens 2022), the protection mechanisms (Benton 2022), the economic theory of alliances (George and Sandler 2022), the consequences for the African countries (Duho 2022), the Arab World (Târik 2022), as well as the Indonesian economy (Junaedi 2022) among others. A recent study regarding the migration of Ukrainian refugees towards Moldova, Romania, and Bulgaria has revealed their impact on the host countries' economies and societies (Koroutchev 2023a, 2023b).

The present research aims to see the evolution of the Ukrainian migration flows during the first year after the beginning of the full-scale armed conflict. An important aim of this study is to analyze the impact of the Temporary Protection Directive on the evolution of the Ukrainians who have benefitted from it in different host countries and to understand the legal basis of this mechanism. The real effects of this Directive have been analyzed by citing some results of recent surveys with Ukrainian refugees across different European host countries and the results of own interviews in several countries. Finally, an additional discussion of the effectiveness of the Temporary Protection Directive and its application in similar cases of massive migration is also presented.

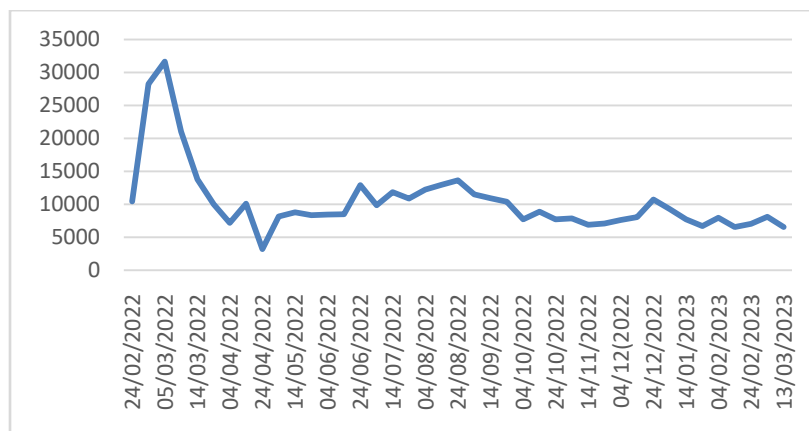
### **BORDER CROSSINGS FROM UKRAINE DURING THE FIRST YEAR AFTER THE BEGINNING OF THE CONFLICT**

The evolution of the border crossings from Ukraine from the beginning of the conflict on 24 February 2022 until mid-March 2023 in several neighbouring countries is shown in the figures below (UNHCR 2023).

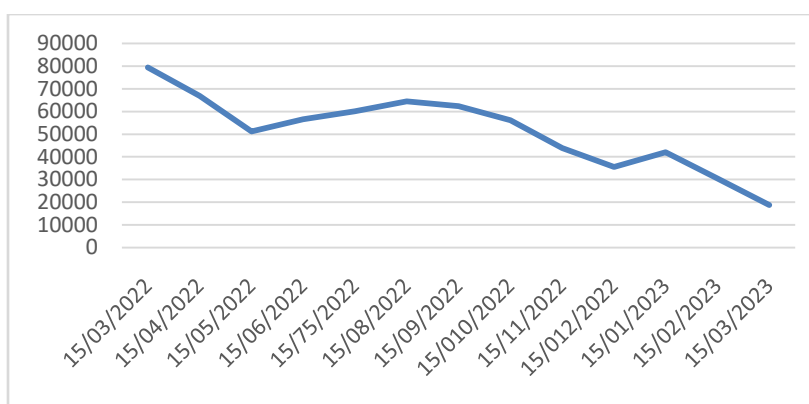


**Figure 2: Border Crossings from Ukraine to Poland from the Beginning of the Conflict on 24 February 2022 to Mid-March 2023 (Source: Own elaboration using data from UNHCR-P 2023)**

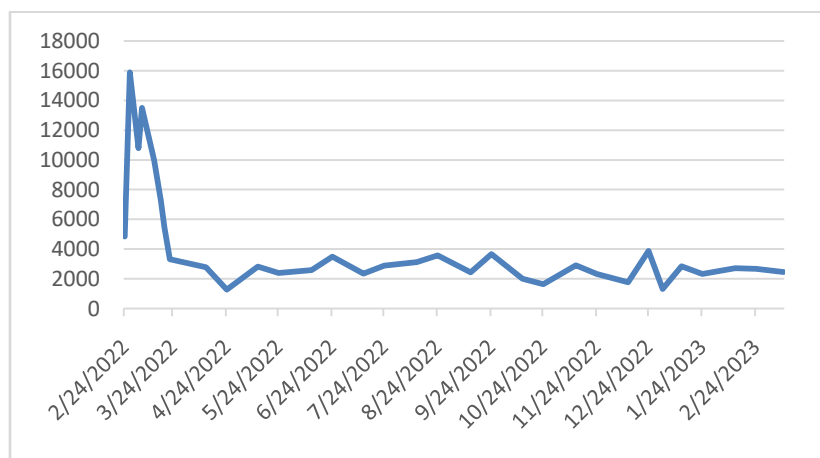




**Figure 3: Border Crossings from Ukraine to Romania from the Beginning of the Conflict on 24 February 2022 to Mid-March 2023 (Source: Own elaboration using data from UNHCR-R 2023)**



**Figure 4: Border Crossings from Ukraine to Moldova from the Beginning of the Conflict on 24 February 2022 to Mid-March 2023 (Source: Own elaboration using data from UNHCR-M 2023)**



**Figure 5: Border Crossings from Ukraine to Slovakia from the Beginning of the Conflict on 24 February 2022 to Mid-March 2023 (Source: Own elaboration using data from UNHCR-S 2023)**

As can be seen by comparing Figures 2 to 5 above, the biggest migration wave to these countries occurred during the first month after the beginning of the armed conflict. Then this phenomenon slowed down, although some increase during summer is also visible in all the cases under study. As a general observation, it can be said that from the beginning of the armed conflict to nowadays, there are still very intensive migration flows of several thousand border crossings daily from Ukraine towards the neighboring countries.

## TEMPORARY PROTECTION MEASURES

### Legal Basis

At the beginning of this unprecedented situation, registered by March 2022, the EU adopted temporary protection schemes for persons fleeing the war in Ukraine, giving them legal status in the EU to live, the right to work, access to social security, medical care, and education (EU Protection 2022).

This temporary protection benefits Ukrainian citizens who lived in Ukraine and were forced to leave their homes due to the Russian invasion on 24 February 2022, foreigners and stateless persons who were present in Ukraine legally and were forced to leave their homes due to the Russian invasion being unable to return to their countries, foreigners and stateless persons who lived in Ukraine on a “long-term basis”, regardless of whether they can return to their native country, as well as family members of all the categories mentioned above. Who is a family member is determined in each country separately. At the same time, the European Union significantly simplified the rules of border checks, relaxing the requirements for border, customs, and veterinary control. The introduction of the mechanism of temporary protection means that citizens of Ukraine do not need to apply for asylum immediately after crossing the border.

The legal basis for this mechanism is given by the following Temporary Protections Directives (EC 2022):

- Arriving at the EU:

Article 6(5) - Entry conditions for third-country nationals; “(c) third-country nationals who do not fulfill one or more of the conditions laid down in paragraph 1 may be authorized by a Member State to enter its territory on humanitarian grounds, on the grounds of national interest or because of international obligations. Where the third-country national concerned is the subject of an alert as referred to in paragraph 1(d), the Member State authorising him or her to enter its territory shall inform the other Member States accordingly”.

Article 7 - Conduct of border checks: “1. Border guards shall, in the performance of their duties, fully respect human dignity, in particular in cases involving vulnerable persons. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”.

- Residence and legal status:

Article 17: “1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time”.

Article 19: "1. The Member States may provide that temporary protection may not be enjoyed concurrently with the status of an asylum seeker while applications are under consideration".

- Housing:

Article 13: "1. The Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing".

- Education:

Article 14: "1. The Member States shall grant to persons under 18 years of age enjoying temporary protection access to the education system under the same conditions as nationals of the host Member State. The Member States may stipulate that such access must be confined to the state education system. 2. The Member States may allow adults enjoying temporary protection access to the general education system".

- Employment:

Article 12: "The Member States shall authorise, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession".

"The Member States shall authorise, for a period not exceeding that of temporary protection, persons enjoying it to engage in activities such as educational opportunities for adults, vocational training, and practical workplace experience".

- Social benefits:

Article 13: "2. The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence if they do not have sufficient resources, as well as for medical care".

- Health:

Article 13: "2. The Member States shall make provisions for persons enjoying temporary protection to receive necessary assistance for medical care. Without prejudice to paragraph 4, the assistance necessary for medical care shall include at least emergency care and essential treatment of illness. 4. The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape, or other serious forms of psychological, physical, or sexual violence".

Additionally, to the above Temporally Protection Directive, the International Organization for Migration (IOM) has launched a cash-based program in Ukraine to support the most vulnerable families forced to flee their homes (IOM Cash Assistance 2022). With initial funding from the UN Central Emergency Fund (CERF), the European Union, Canada, Germany, and the Bureau for Humanitarian Assistance of the United States Agency for International Development (USAID), IOM's cash-based program covered multiple regions in Ukraine. Zakarpattia Region was the first area where this financial help reached almost 40.000 vulnerable people among those internally displaced and host communities, such as pregnant and single women, families with two or more children, persons with disabilities, and elderly people. This program was also applied to other regions such as Chernivtsi, Ivano-Frankivsk, Lviv, and Vinnytsia in order to support the internally displaced persons, host communities, and other conflict-affected groups,

including migrants who were stranded in Ukraine and needed support during and after crossing the borders with the EU.

Finally, one has to note that the access of Ukrainian citizens and other migrants to the European job market needs reconsideration regarding the recognition of skills and qualifications. The IOM has taken a step in this direction, which launched a freelancing platform helping displaced Ukrainians find remote, online work, facilitating their entry into the job market (EC Integration 2022; IOM Freelance 2022).

## Statistics and Surveys

By mid-March 20th, 2023, the number of refugees from Ukraine recorded across Europe was 8.157.230 persons, while the number of them registered for temporary protection or similar national protection schemes in Europe at that time was 4.946.920. In Table 1, the number of Ukrainian refugees registered for temporary protection is given for several European countries.

**Table 1: Number of Ukrainian Refugees Registered for Temporary Protection in Different European Countries by Mid-March 2023 (Source: Own elaboration using data from UNHCR 2023)**

| Country        | Registered for Temporary Protection<br>Ukrainian Refugees (Date) |
|----------------|--|
| Poland         | 1.573.276 (19.03.2023)   |
| Germany        | 881.399 (31.01.2023)   |
| Czech Republic | 499.887 (19.03.2023)   |
| Bulgaria       | 154.590 (14.03.2023)   |
| Italy          | 171.739 (24.02.2023)   |
| Spain          | 170.973 (16.03.2023)   |
| France         | 118.994 (31.10.2022)   |
| Romania        | 122.362 (19.03.2023)   |
| Slovakia       | 112.154 (19.03.2023)   |
| Austria        | 94.984 (20.03.2023)  |
| Netherlands    | 89.730 (10.02.2023)  |
| Lithuania      | 75.954 (17.03.2023)  |
| Latvia         | 46.600 (20.03.2023)  |
| Estonia        | 44.232 (19.03.2023)  |
| Hungary        | 34.248 (21.03.2023)  |

Despite the programs mentioned above and the number of Ukrainian refugees across Europe for temporary protection, recent surveys with some 14.500 chosen from different European countries have been performed during August and September 2022 (Fleeing Ukraine 2023). The countries have been chosen according to the following criteria: being neighboring ones to Ukraine (Hungary, Poland, Romania, and Slovakia), had the largest numbers of people displaced from Ukraine (Bulgaria, Czech Republic, Germany, Italy, and Spain) and had a large population of people displaced from Ukraine relative to their total population (Estonia). The EU Temporary Protection Directive allowed individuals fleeing the conflict to establish residency, work, travel, and access services in various European countries. Nearly all respondents sought temporary protection, with approximately one-third applying for asylum. The surveys reveal that these refugees face challenges in education, work, housing, and making ends meet. The results

showed that one of every three would like to return to Ukraine, although as well one in three of the participants expressed their opinion that they formed part of the host community.

However, many challenges remain, such as language, housing, education, work, health, and cost of living. Especially the lack of knowledge of the local language has been reported as the main reason for dropping out of the education sphere. The housing also shows severe problems related to sharing facilities and lack of privacy. The situation in the labor market is complicated, as only 33% reported having a paid job. The same percentage of the women reported that they do not work as they have to take care of their children, and 48% reported that their new job was below their level of education. As stated, the main barriers to accessing employment for adults for paid work are the lack of knowledge of the host country's language. The problems related to the health situation of the responders show that almost 50% of them were depressed since arriving in the host country, and almost 50% of the children have difficulties sleeping and concentrating. Finally, it has been reported that almost 80% face difficulties in making ends meet.

Several interviews have been performed as well by the author in Bulgaria (10 in the Black Sea region), Spain (10 in the Madrid region), and virtually in Germany (5 in Cologne and Mainz). The participants had similar characteristics to the surveys reported above. Those with a job expressed optimism for better integration in the host countries. However, in Spain and Germany, one of the biggest challenges has been reported to be the language, which creates difficulties for adults to start a job. Moreover, about half of the women who participated in the surveys reported that they did not work as they had to care for their children. As in the previous survey, more than 70% reported difficulties making ends meet.

### **Changes to European Aid for Ukrainian Refugees One Year Later**

One year after the beginning of the armed conflict, several European governments are changing the schemes and formats of assistance for Ukrainians. Some examples are given below.

In Poland, President Duda signed amendments on 23 January 2023 to the law "On Assistance to Citizens of Ukraine in Connection with the Armed Conflict on Their Territory". According to the amendments, if a citizen of Ukraine leaves the territory of Poland for more than 30 days, they will lose their status and benefits. In addition, citizens of Ukraine who are in places of collective residence of refugees must cover half of the costs of assistance provided by local authorities (about PLN 40 per person and day) from 1 March 2023 and PLN 60 from 1 May 2023. The registration system is also changing, and citizens of Ukraine need to choose between refugee status and obtaining a residence permit under an employment contract.

In Germany, the Hospitable German Family project was closed in June 2022. There is no single benefit in Germany, as in some other countries, as it depends on many factors. Individuals look for apartments on their own, and the job center only approves the area and the amount of rent because they are the ones who pay for it. This amount also includes water. In general, the state will not stop helping refugees or reducing aid.

Romania maintained its 50/20 social support program for a long time, providing 50 lei for accommodation and 20 for food per day. However, one year later, the support program is

changing, and instead of compensating homeowners, the state will pay Ukrainians 400 Euros a month for four months. During this time, they must find a job and continue to pay for housing on their own. The 50/20 program, however, will continue for students studying in Romania and Ukrainians over 65 years old.

In the Czech Republic, once the amendments come into effect on 1 April 2023, the financial assistance amount will be reduced to 4.860 crowns per adult, and after receiving such assistance for 150 days, it will be further reduced to a minimum of 3.130 crowns (133 Euros). However, this reduction will not apply to children, disabled individuals, pensioners, and students. Additionally, free housing can be provided for a maximum of 150 days, but if a refugee leaves the housing for more than 10 days, they will forfeit the benefit.

In general, finding a suitable job that corresponds to their educational background and experience remains a major challenge for Ukrainian refugees in Europe (Halip 2023).

### **Beyond the Ukrainian Temporary Protection**

Finally, it must be mentioned that the displacement of more than 8 million people fleeing Ukraine since the Russian invasion has exceeded any recent humanitarian crisis and led to unprecedented inflation and food prices. In this situation, it is worth thinking that the Temporary Protection Directive of the Ukrainian refugees could be a Tipping Point for Refugee Protection (Benton 2022).

The Temporary Protection Directive grants fast-track residence and work rights to Ukrainians and allows for circumvention of the asylum systems, thus speeding the processing of the cases. It seems to be the way of integrating people in need of protection into host countries most effectively without depriving them of their right to international protection. In addition to the Temporary Protection Directive, some countries have applied additional protections related to refugee skills or family reunification, thus offering labor and education opportunities. Providing legal status quickly may carry economic benefits not realized in previous crises. This may require more flexibility from the integration services, including remote work, jobs that do not need knowledge of the host country, and options to get childcare for the Ukrainian refugees, largely represented by women, children, and elderly people.

The Temporary Protection Directive will not be applicable in every case, nor should it replace existing asylum and refugee protection mechanisms. Instead, it will serve as a complementary measure to enhance the adaptability and flexibility of solutions for asylum and protection seekers (Benton 2022).

## **CONCLUSION**

This article explores the explosive character of the Ukrainian refugee migration across Europe after the full-scale Russian invasion of Ukraine on 24 February 2022. The evolution of these flows toward Europe and especially toward neighboring Ukraine countries during the first year after the beginning of the conflict has been carefully analyzed. The recent changes in humanitarian aid for Ukrainian refugees in several European countries have also been discussed. The effect of the Temporary Protections Directives and other similar local protection programs

have been analyzed concerning their legal basis. Data from numerous surveys with Ukrainian refugees in several European countries have been compared to the interviews performed by the author in three selected countries (Bulgaria, Spain, and Germany). Both show the existence of challenges for the refugees mainly related to their knowledge of the local language, labor market access, and financial stability. Finally, the application of temporary protection programs in a broader sense has been briefly discussed.



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This article does not contain any studies with human participants performed by any authors.

### **Statement on the Welfare of Animals:**

This article does not contain any studies with animals performed by any authors.

### **Informed Consent:**

Informed consent was obtained from all individual participants included in the study.

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# LEVERAGING EMPLOYEE ENGAGEMENT FOR COMPETITIVE ADVANTAGE: SATISFACTION AND WORK MOTIVATION MANAGEMENT

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**Abstract:** Companies must continually adapt to technological advancements to gain a competitive edge and enhance performance. Active employee engagement plays a crucial role in achieving and improving performance, necessitating promoting motivation and job satisfaction. This study explores the relationship between motivation, job satisfaction, and employee performance, with employee engagement as a mediator. Specifically, the research focuses on Information Technology (IT) companies in Kosovo and various locations across the European Union involved in different projects. The sample for this study comprises 112 respondents selected through convenient sampling. The research model is analyzed using Partial Least Square (PLS) analysis with SmartPLS 3.0 software. The empirical findings indicate that motivation positively influences employees' engagement and performance in various IT positions. However, job satisfaction has no direct impact or exerts a relatively low influence. Nonetheless, employee engagement significantly enhances employee performance by mediating the effects of motivation and job satisfaction. The research findings have significant managerial implications, emphasizing the importance of actively promoting motivation, innovation, and job satisfaction to increase employee involvement and achieve desired outcomes.

**Keywords:** SMEs; IT Employees; Management; Behavior; Engagement

## INTRODUCTION

Within the present fast-paced and continuously evolving business environment, organizations must implement various ways to thrive when confronted with intense competition. Active employee engagement is considered a strategy that can result in optimal performance. Nonetheless, managing labor turnover brought on by the migration associated with industrial workers, as well as retaining experts and skilled employees and individuals in the Information Technology (IT) industry and also IT experts that are needed in different industries and even in companies that do not directly produce or trade any IT equipment; but still needs IT experts for their companies. This is significant in developing countries where skilled workers are recruited by big companies in developing countries (Bilan et al. 2020) and present a significant challenge concerning organizations in developing countries. Previous studies have indicated how competitive pressure, higher company demands, and demanding function situations have decreased motivation and commitment among skilled workers in the IT industry or skilled IT workers in all industries. This, consequently, has led to deficiencies in employee commitment and motivation for the organization (Virgiawan et al. 2021).

In order to align human resource management (HRM) policies and practices with organizational objectives and employee expectations, it is crucial to have a comprehensive understanding of the factors that drive employee motivation and job satisfaction. Employees are valuable assets to any company, and their active engagement in these areas can improve performance. Nevertheless, sustaining high levels of employee performance can be challenging, and managers must understand how employees connect with their work to prevent disengagement that can negatively affect company performance (Altindag 2020). The transfer of intellectual capital can present challenges even when IT experts and skilled employees move between companies, even within the same country or region. Data from the Gallup Institute emphasizes that globally, only 15% of employees are actively engaged in organizational planning and management, while 85% are either disengaged or inactive. This leads to a notable "return crisis" as employees become demotivated due to a lack of support for optimal job performance (Altindag 2020). This research examines how motivation and job satisfaction affect employee engagement and evaluates their consequent impact on employee performance. The research question posed is "What is the impact of motivation and job satisfaction on overall engagement, and how does this affect employee performance?" (Virgiawan et al. 2021).

## LITERATURE REVIEW

### Work Motivation

Work motivation is a potent force that propels individuals towards achieving a particular goal, regardless of whether it is a conscious or unconscious effort (Virgiawan et al. 2021). It is an essential element that affects various aspects of life, such as work, education, and lifestyle, making any job more manageable and quicker to accomplish. The theory of work motivation typically revolves around justification rather than ability, which implies that some people may be more competent in completing a task than others (Oleribe and Fuente 2022). Social exchange equity often influences motivation, as per the equity theory. Workers who comprehend their company's principles are prone to involvement with their organization. On the contrary, employees who perceive themselves as being treated unjustly are less likely to be engaged (Chen et al. 2020).

The significance of workplace motivation cannot be overstated, as it plays a vital role in determining an organization's success, employee satisfaction, and performance. When employees are motivated, they tend to be more engaged, committed to their job, and productive. This, in turn, can lead to increased job satisfaction and improved organizational outcomes. Various factors can influence work motivation, including personal goals, job characteristics, work environment, and organizational culture (Al-Sada, Al-Esmael, and Faisal 2017). To enhance work motivation, organizations must design jobs that align with employees' skills, interests, and values (Oleribe and Fuente 2022). Companies must also provide opportunities for career development, recognition, and reward. Additionally, managers must communicate clear expectations, offer feedback and support, and create a positive work environment that fosters collaboration, autonomy, and trust. By investing in work motivation,

organizations can improve employee well-being, job performance, and organizational effectiveness (Irabor and Okolie 2019; Virgiawan et al. 2021).

Grubert et al. (2022) propose that individuals strive to strike a balance between their pursuits and their contributions in the workplace. They define work motivation as a construct encompassing several dimensions, such as desired outcomes, behavioral persistence, and work-related intensity, that organizations seek to measure (Virgiawan et al. 2021; Sánchez-Hernández et al. 2019). Individual preferences, situational stimuli, and interactions may all affect an individual's motivation in going after a desired objective, resulting in a tendency that's a combination of various incentives depending on internal and exterior activities, outcomes, as well as consequences, each weighted based on personal motives (Irabor and Okolie 2019). However, there might be a conflict among individuals with the unique purpose and, correspondingly, the activities they consider. Therefore, balancing intrinsic and extrinsic motivators is vital (Unanue et al. 2017). Employees take pride in their work and are motivated to reach a particular level, increasing their fulfillment.

Creating a balance between employee contribution and the work situation is crucial for promoting work motivation and job satisfaction. According to An et al. (2020), employees desire a fair exchange of effort and rewards and want their contributions to be recognized and appreciated by the organization. Simultaneously, the work environment should support employee well-being and job performance by providing resources, growth opportunities, and a supportive atmosphere, as Virgiawan et al. (2021) emphasized. Furthermore, the authors have emphasized that job autonomy, social support, and perceived organizational support can positively influence employee motivation. Achieving a balance requires mutual understanding and respect between the organization and employees and a commitment to fostering a positive work culture that promotes well-being and productivity (Irabor and Okolie 2019).

This assumption could be tested by examining the relationship between the value of choice and working hours, representing a quadratic function (Dauth et al. 2020). There is a difference between motive and motivation, where the word motive is utilized in certain contexts within everyday language. Psychologists take advantage of this term in typical terms describing people thought to undertake a motive for everything they do (Reio and Ghosh 2009; Wu et al. 2017). The concept of worker motivation can manifest itself in various ways, with individuals employing task-oriented techniques to achieve specific goals while others perform tasks intending to receive recognition or avoid negative judgments from others (Dauth et al. 2020). If contemplated together, you will find three motivational views used: the worth of hope, wish, and self-determination, which show that one's motivation can grow through contextual conditions (Pang and Lu 2018; Riyanto et al. 2021).

## **Job Satisfaction**

Determining job satisfaction is a multifaceted undertaking since it encompasses various elements. Typically, it describes the positive feelings arising from a person's appraisal of their work and function experience (Permana et al. 2021). Valentine et al. (2011) suggest a far more all-inclusive interpretation associated with job satisfaction, which entails the mixture of environmental factors and psychological states that create a genuine sense associated with



contentment with a person's job. The level of job satisfaction is determined by various factors that contribute to a sense of comfort and contentment. The essence associated with job satisfaction may be relief, which a person's mood and feelings can influence. While moods can persist and have a causal object, emotions triggered through work-related incidents are more lasting and unforgettable than negative dispositions (Khan et al. 2021).

Two main categories could be distinguished to categorize job fulfillment: intrinsic and extrinsic. Intrinsic job satisfaction depends on an employee's feelings and psychological reactions towards job features that are in a straight line associated with their work, such as autonomy, skill enhancement, and task range. On the other hand, extrinsic job fulfillment comprises external aspects of the job itself, for example, pay and organization management (Saks 2019).

## **Employee Engagement**

Within the terminology "employee engagement" launched through Gallup Institute, the connection is understood to be the actual standing (in an optimistic sense) of the worker concerning the workplace or even the organization exactly where he or she functions. The meaning associated with worker engagement differs throughout different businesses and industries (Neves and Eisenberger 2012).

A worker exhibits a greater overall performance whenever he or she discovers, which means within a function, organization lifestyle, and guidelines. Worker participation can also be brought on by self-association along with work functions, including persistence at work, effective participation within the function, and deepening within-function actions (Silva et al. 2023). This assumption is backed by the idea of how the mental connection with the actual labor force stimulates persons' behavior, conduct, and for that reason, the level of engagement and release from work. Margaretha et al. (2021) state that psychological significance drives work engagement and commitment. This implies that factors such as individual goals, concentrated effort, adaptability, impact, and persistence, all directed toward achieving organizational goals (Albrech 2011), are key drivers of overall employee engagement.

Engagement above and beyond unpretentious satisfaction, having a usage agreement, or even absolute devotion towards the company - the attribute almost all companies possess calculated through the years. Engagement, however, is all about wish and dedication- the readiness to consider one's location and apply one's discretionary initiatives to assist companies in being successful (Silva et al. 2023).

## **Employee Performance**

Overall performance is undeniably an essential evaluation concerning business so the company can secure positive income and growth (Zhang 2010). Worker overall performance consists of controlled conduct; however, it offers limitations concerning unimportant conduct. At the same time, the overall performance additionally analyzes the active part associated with workers undertaking responsibilities based on the official agreement directed at them through the organization (Nagendra 2014). Worker overall performance is split into overall job

performance and overall behavior. This behavior entails elements associated with function. Worker behavior is reflected within immediate, instantaneous behavior and extra roles in a working environment. Behavior additionally includes good as well as negative behavior. The actual living associated with workers' overall performance value determinations may improve inspiration, cause them to become positively involved with revolutionary applications, and enable them to be simpler to achieve the required objectives (Minavand and Lorkojouri 2013). Worker overall performance evaluation offers feedback based on which programs are developed to enhance overall performance that will help workers create additional skills to capitalize on their potential (Minavand and Lorkojouri 2013).

Businesses with higher dedication as well as high performance are ready to provide sustainable performance as they have to develop the following organizational pillars: 1. overall performance alignment; 2. mental harmony; as well as 3. capability to learn as well as to adapt to new requirements (Hapsari et al. 2021).

## Hypothesis Development

After an extensive analysis of the literature and the situation, the empirical evidence suggests a strong correlation between motivation, job satisfaction, and employee engagement. This, in turn, directly impacts both individual employee performance and group performance, especially in the context of teamwork. Therefore, the following hypotheses are intended to be evaluated and tested:

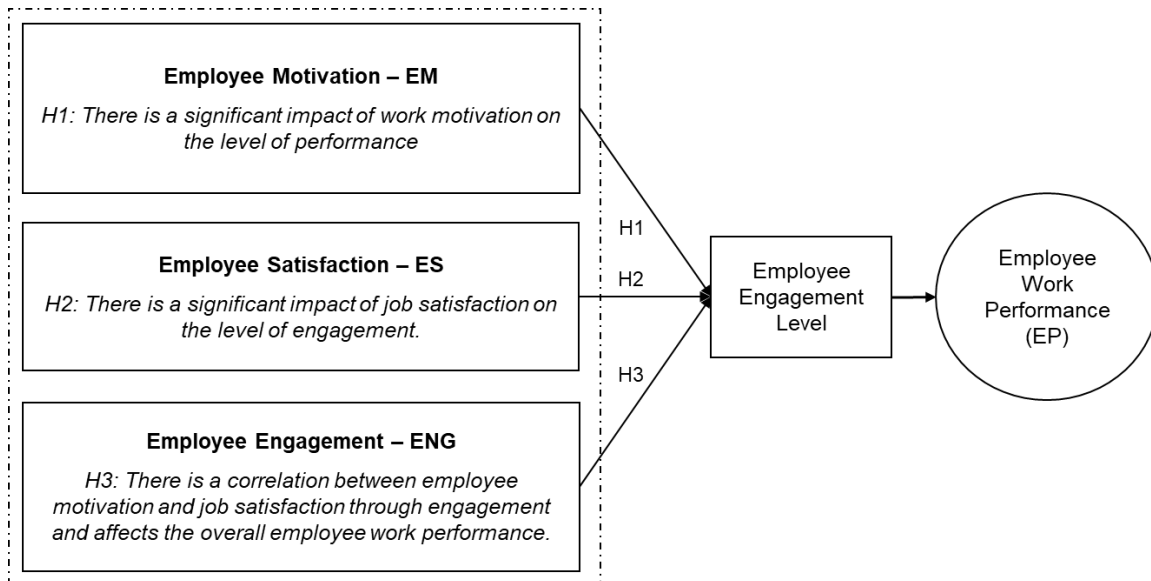


Figure 1: Research Framework (Source: Author's depiction 2023)

## AIMS AND METHODOLOGY

The study aims to provide empirical proof that motivation and job satisfaction directly and favorably affect employee engagement. Additionally, these factors have significant consequences for achieving optimal overall worker performance. The actual phases of the research procedure were completed by accumulating information based on the examined parameters acquired through surveys created for this purpose. This research utilizes qualitative information quantified using a Likert scale tool associated with 1-5 evaluation possibilities of each parameter and investigation parameters comprising motivation, job satisfaction, engagement, and worker overall performance. This research was conducted in multiple IT businesses within Kosovo, involving participants who are program designers responsible for managing program improvement actions for various tasks, including those within companies that are not specifically software developers.

Additionally, IT employees engaged in similar positions within companies that require such professionals were also included, and the research period spanned from December 2022 to the end of January 2023. The region where the study was conducted can be considered comprehensive and representative of several countries in the SEE region (Balkan Peninsula), as they share a common historical background, culture, similar economic development levels, and are relatively small countries. However, this study can also be regarded as international, considering that the participants (respondents) are involved in local companies, some of whom work for international organizations such as the EU and the USA, adhering to their prescribed working conditions. Furthermore, a significant proportion of the respondents work online, serving primarily international companies. The questionnaire was sent to 150 individuals that were selected and have completed the conditions that were required, hence being active in the IT industry and IT specialists, where 112 questionnaires were returned and met all criteria to be taken into consideration by providing the information that was needed to test the hypothesis. IT professionals were identified from different backgrounds, levels, education, gender, and age. The analysis was completed while using the comfort sample technique. It utilized Partial Least Square (PLS) using SmartPLS Ver 3.0 program along with impartial parameters associated with inspiration and job satisfaction.

The sample of this research is randomly selected and comprises all levels of specimens that provide more comprehensive results as it gathers information from different society members. The sample consists of individuals more likely to use the cashless payment method and who can provide a comprehensive evaluation compared to the pre-pandemic situation. For this study, there were 650 questionnaires sent, from which 586 questionnaires were returned and considered as completed and usable, and their characteristics were quite heterogeneous.

The standard SEM analysis solution in Figure 1 presents the research framework used in this study and exhibits the relationship strength and effect among constructs. After testing the FIT model, it was revealed that 2 of the criteria met the requirements according to the model implemented to test the hypothesis. Root means the square error of approximation (RMSEA), namely reached a value of 0.063 (cut-off value  $\leq 0.08$ ) which is an acceptable and reliable

outcome. The second testing criterion that met the requirements is GFI with a satisfactory fit of 0.921 (cut-off value  $\geq 0.90$ ) (Xia/Yang 2019).

**Table 1: Research Indicators (Source: Author's research)**

| Variable              | Indicator (Manifest Variable) |   |
|-----------------------|-------------------------------|---|
| Employee Motivation   | EM1                           | The employee's needs are met by their salary.                                       |
|                       | EM2                           | A transport allowance is provided.  |
|                       | EM3                           | Sick leave is available.  |
|                       | EM4                           | A health allowance is provided.   |
|                       | EM5                           | The company provides equipment.   |
|                       | EM6                           | Employees feel safe at work.  |
|                       | EM7                           | Employees have good relationships with colleagues.                                  |
|                       | EM8                           | Employees feel a sense of kinship with colleagues.                                  |
|                       | EM9                           | Employees have the desire to participate in every office event together.            |
|                       | EM10                          | An award is given to the best-performing employee.                                  |
|                       | EM11                          | Superiors give praise to subordinates for good work.                                |
|                       | EM12                          | A bonus is given for high performance.  |
|                       | EM13                          | Employees have the prospect of contributing to determining firms' goals.            |
|                       | EM14                          | Responsibilities are allotted grounded on employees' capabilities.                  |
|                       | EM15                          | Employees are provided the chance to foster and enhance their skills and abilities. |
| Employee Satisfaction | ES1                           | Work based on knowledge and expertise.  |
|                       | ES2                           | Flexibility to work according to personal preferences.                              |
|                       | ES3                           | Engaging and enjoyable work.  |
|                       | ES4                           | Salary commensurate with the job requirements.                                      |
|                       | ES5                           | Overtime pay is provided as expected and on time.                                   |
|                       | ES6                           | Timely payment of salary.   |
|                       | ES7                           | A clear policy on promotions.   |
|                       | ES8                           | Objective and fair promotion practices.   |
|                       | ES9                           | Opportunities for career advancement based on employees' expertise.                 |
|                       | ES10                          | Adequate work supervision.  |
|                       | ES11                          | Feedback from superiors on the quality of work performed.                           |
|                       | ES12                          | Provision of suggestions or assistance if facing difficulty in completing work.     |
|                       | ES13                          | Well-established communication among colleagues.                                    |
|                       | ES14                          | Direct assistance to ensure timely completion of work.                              |
|                       | ES15                          | Support from colleagues in overcoming work-related challenges.                      |
|                       | ES16                          | Comfortable workspace conditions.   |
|                       | ES17                          | Provision of complete and necessary equipment/tools for work.                       |
|                       | ES18                          | Good lighting conditions in a comfortable workspace.                                |
| Employee Engagement   | ENG1                          | Possess high levels of energy while working.  |
|                       | ENG2                          | Demonstrates strong willpower and puts in their best effort to complete tasks.      |
|                       | ENG3                          | Does not give up easily when facing challenges while working.                       |
|                       | ENG4                          | Persistent in completing tasks until they are finished.                             |
|                       | ENG5                          | Takes pride in their work, making it difficult for them to leave the company.       |
|                       | ENG6                          | Always enthusiastic about their work.   |
|                       | ENG7                          | Time passes quickly while working due to their enjoyment of the job.                |
|                       | ENG8                          | Maintains a high level of concentration while working.                              |
|                       | ENG9                          | Appreciates carrying out their work duties.   |
| Employee Performance  | EP1                           | Skilled and proficient in their work.   |
|                       | EP2                           | Works diligently and thoroughly.  |
|                       | EP3                           | Completes tasks following the company's quality standards.                          |
|                       | EP4                           | Produces work quantity that meets the expected standards.                           |
|                       | EP5                           | Able to complete tasks faster than the specified time.                              |
|                       | EP6                           | Does not delay work completion.   |
|                       | EP7                           | Possesses skills relevant to the field of work.                                     |
|                       | EP8                           | Utilizes their skills effectively in their current job.                             |
|                       | EP9                           | Understands the tasks that need to be performed.                                    |
|                       | EP10                          | Completes work within the predetermined schedule.                                   |
|                       | EP11                          | Takes responsibility for the results of their work.                                 |
|                       | EP12                          | Punctual and arrives on time for work.  |

The demographic information of respondents that participated in this research is presented in Table 1. Seemingly, the majority of questionnaires that were returned were from male respondents (54.8%), even if it was attempted that the distribution of questionnaires is equally among males and females. The predominant respondents were 18-24 years old (29.90%), while 25-34 years old represented 24.9%, and 35-44 years old represented 21.7% of respondents. These groups represent the majority as they are considered the generation with better technical knowledge and more open to new technologies. As shown in Table 1, most respondents are bachelor's degree holders (46.80%), whereas 28.20% of respondents were high school graduates who were either continuing at BSc or were already engaged in their profession. However, a minority of respondents had Ph.D. degrees (1.90%), yet their opinion is important due to their knowledge regarding the topic treated in this study.

## RESULTS AND DISCUSSION

The actual external design test results are elaborated in the next part, illustrating the actual outer loading value using SmartPLS evaluation software.

### Subsection Employee Performance

Since the minimum value of the loaded factor is 0.5, any value above 0.5 for a given indicator is considered valid. Table 2 presents the output generated by the SmartPLS software for the loading factor.

**Table 2: Factor Loading and Reliability (Source: Author's research)**

| Indicators | $\alpha$ | Cronbach's alpha | Rho_A | Comp. reli. | AVE   |
|------------|----------|------------------|-------|-------------|-------|
| EM1        | 0.704    | 0.874            | 0.874 | 0.900       | 0.426 |
| EM2        | 0.671    |                  |       |             |       |
| EM3        | 0.516    |                  |       |             |       |
| EM4        | 0.725    |                  |       |             |       |
| EM5        | 0.678    |                  |       |             |       |
| EM6        | 0.678    |                  |       |             |       |
| EM7        | 0.764    |                  |       |             |       |
| EM8        | 0.743    |                  |       |             |       |
| EM9        | 0.653    |                  |       |             |       |
| EM10       | 0.664    |                  |       |             |       |
| ES1        | 0.630    | 0.901            | 0.899 | 0.924       | 0.398 |
| ES2        | 0.561    |                  |       |             |       |
| ES3        | 0.689    |                  |       |             |       |
| ES4        | 0.646    |                  |       |             |       |
| ES5        | 0.696    |                  |       |             |       |
| ES6        | 0.499    |                  |       |             |       |
| ES7        | 0.531    |                  |       |             |       |
| ES8        | 0.360    |                  |       |             |       |
| ES9        | 0.591    |                  |       |             |       |
| ES10       | 0.568    |                  |       |             |       |
| ES11       | 0.622    |                  |       |             |       |
| ES12       | 0.655    |                  |       |             |       |
| ES13       | 0.753    |                  |       |             |       |

|      |       |       |       |       |       |
|------|-------|-------|-------|-------|-------|
| ES14 | 0.660 |       |       |       |       |
| ES15 | 0.685 |       |       |       |       |
| ES16 | 0.690 |       |       |       |       |
| ES17 | 0.664 |       |       |       |       |
| ES18 | 0.630 |       |       |       |       |
| ENG1 | 0.648 | 0.876 | 0.877 | 0.899 | 0.497 |
| ENG2 | 0.723 |       |       |       |       |
| ENG3 | 0.721 |       |       |       |       |
| ENG4 | 0.670 |       |       |       |       |
| ENG5 | 0.739 |       |       |       |       |
| ENG6 | 0.660 |       |       |       |       |
| ENG7 | 0.730 |       |       |       |       |
| ENG8 | 0.744 |       |       |       |       |
| ENG9 | 0.740 |       |       |       |       |
| EP1  | 0.729 | 0.849 | 0.866 | 0.876 | 0.474 |
| EP2  | 0.690 |       |       |       |       |
| EP3  | 0.449 |       |       |       |       |
| EP4  | 0.612 |       |       |       |       |
| EP5  | 0.814 |       |       |       |       |
| EP6  | 0.672 |       |       |       |       |
| EP7  | 0.419 |       |       |       |       |
| EP8  | 0.580 |       |       |       |       |
| EP9  | 0.736 |       |       |       |       |
| EP10 | 0.710 |       |       |       |       |
| EP11 | 0.550 |       |       |       |       |
| EP12 | 0.358 |       |       |       |       |

To be more specific on each indicator and their impact on each given variable, a discussion on their impact is developed and elaborated. It is obvious within the results that the motivation variable associated with socialization with co-workers (EM7) covers a higher impact on motivation by 0.764, as well as EM3 (leave of employees due to sickness), which has a rather smaller impact, namely 0.516.

In the stage associated with work satisfaction, co-working between employees, which will be considered a positive relation (ES13 is 0.753), includes a major impact on work satisfaction. In contrast, impartial advancement (ES8 is at 0.360 level) is the lowest argument in enhancing job satisfaction.

Furthermore, the analysis results reveal that motivation has a stronger positive effect on employee performance compared to job satisfaction and employee engagement, with a value of 0.437, followed by job satisfaction at 0.319, and finally, employee engagement at 0.193, as shown in Table 2. It is worth noting that all variables have an indicator effect below 0.5.

Worker participation having a higher focus on carrying out work (ENG8 is 0.744) mainly impacts worker engagement, while ENG1 is at 0.648. Higher energy in carrying out duties may be the last indicator that impacts worker engagement. Additionally, the outcomes from the evaluation for every variable reveal which motivation positively impacts the actual development associated with overall worker performance compared with work satisfaction and worker engagement. Table 2 shows a good indicator impact on every variable beneath 0.5, specifically ES8 at 0.360, EP12 at 0.358, and EP7 at 0.4190.

Following the adoption of the actual indications, ES8, EP12, and EP7 tend to be no more carried out. The value from the loading factor associated with motivation elevated to 0.461 regarding overall worker performance, as the value associated with overall performance

reduced to 0.329, and the value associated with worker engagement reduced to 0.169. Nevertheless, to determine discriminant validity Fornell-Lacker criterium values, which are over 0.5, reveal to confirm only the engagement indicator. Consequently, the actual parameters examined besides worker engagement were not dependable or did not meet convergent validity requirements.

As shown in Table 3, the square root of the actual AVE for every construct includes a value more than the actual relationship rate; therefore, the concept of the study design is believed to possess great discriminant validity.

**Table 3: Discriminant Validity (Fornell-Lacker Criterium) (Source: Author's research)**

| Variables | ENG   | EP    | ES    | EM    |
|-----------|-------|-------|-------|-------|
| ENG       | 0.710 | –     | –     | –     |
| EP        | 0.538 | 0.685 | –     | –     |
| ES        | 0.424 | 0.670 | 0.639 | –     |
| EM        | 0.508 | 0.742 | 0.641 | 0.682 |

### Section Reliability Test

Reliability testing is a statistical technique used to assess the consistency and stability of a measurement or test over time. It is an important tool in research, helping to ensure that the results obtained from a particular instrument or assessment are reliable and accurate. A reliable test produces consistent and stable results over time, which means that any conclusions based on the data collected from the test are more likely to be valid.

**Table 4: Composite Reliability (Source: Author's research)**

| Variables | Composite Reliability |
|-----------|-----------------------|
| EM        | 0.900                 |
| ES        | 0.924                 |
| ENG       | 0.899                 |
| EP        | 0.876                 |

Various reliability tests exist, such as test-retest reliability, inter-rater reliability, internal consistency reliability, and parallel-forms reliability. Each of these tests is specifically designed to assess different aspects of reliability. In general, conducting reliability testing is a crucial component of any research process that involves data collection through assessments or other measurement tools. Table 4 presents the composite reliability values obtained from the calculation, and a value exceeding 0.7 is considered satisfactory. Table 4 displays the composite reliability values calculated, with a value above 0.7 deemed acceptable.

The actual outcomes in Table 4 confirm that parameters satisfy the preferred amalgamated dependability worth, which is over 0.7, meaning that all variables tend to be realistic and representative in their meaning of representation.



**Table 5: Cronbach's Alpha (Source: Author's research)**

| Variables | Cronbach's Alpha |
|-----------|------------------|
| EM        | 0.874            |
| ES        | 0.901            |
| ENG       | 0.876            |
| EP        | 0.849            |

Table 5 exhibits that the suggested worth is over 0.6, as Cronbach's alpha is greater than 0.6, and the lowest value is 0.849; therefore, this fulfills the required criteria.

### Structural Model Testing (Inner Model)

After verifying the performance of the outer model, the estimated model is tested to evaluate the structural model (inner model). The R-Square values for each construct are presented in Table 6, indicating the goodness of fit for the model. Once the external model's performance is confirmed, the estimated model is tested to assess the internal structure (inner model). Table 6 displays the R-Square values for each construct, which indicate the model's goodness of fit.

**Table 6: R-Square (Source: Author's research)**

| Variables | R-Square | R-Square Adjusted |
|-----------|----------|-------------------|
| ENG       | 0.274    | 0.259             |
| EP        | 0.635    | 0.624             |

The outcomes demonstrate how the parameters associated with employee motivation and work satisfaction impact overall performance at 63.50%, whereas engagement remains less influential.

**Table 7: Fit Summary (Source: Author's research)**

| Variables | R-Square | R-Square Adjusted |
|-----------|----------|-------------------|
| ENG       | 0.274    | 0.259             |
| EP        | 0.635    | 0.624             |

The significance value among the constructs, t-statistics, and p-values are determinants when the hypothesis is tested, which may result as accepted or even declined in line with the significance that those parameters have revealed. Using the assessment outcomes, standard errors, and measurement estimations tend to be no more determined depending on statistical presumptions. In the bootstrap resampling technique, the hypothesis is considered valid when the t-value's significant value exceeds 1.96 and the p-value is below the designated threshold of 0.05. If these criteria are met, the hypothesis is accepted. Conversely, the hypothesis is rejected if the p-value is greater than 0.05. Certain criteria must be met to validate a hypothesis

using the bootstrap resampling technique. Specifically, a significant t-value exceeding 1.96 and a p-value below the designated threshold of 0.05 are required for the hypothesis to be considered valid. Meeting these criteria leads to the acceptance of the hypothesis, whereas if the p-value exceeds 0.05, the hypothesis is rejected.

**Table 8: Structural Model Summary (Source: Author's research)**

| Measurement | Saturated model | Estimated model |
|-------------|-----------------|-----------------|
| SRMR        | 0.102           | 0.102           |
| d_ULS       | 11.029          | 11.029          |
| d_G         | 6.048           | 6.048           |
| Chi-Square  | 2339.920        | 2339.920        |
| NFI         | 0.420           | 0.420           |

The outcomes associated with testing the hypothesis from the impact of employee motivation (H1) and employee work satisfaction (H2) upon overall performance tend to be proven, as seen in Table 8. Furthermore, Table 8 implies that work satisfaction does not impact overall employee performance in which the t-statistic value is 1.110 (and is less than the given value of 1.96). The unique test yielded an estimated value of 0.029, indicating a positive correlation between employee motivation and overall performance, with a favorable impact. The corresponding probability value was 0.271, less than the set threshold of 0.05. Therefore, H2 is rejected, as there is no discernible effect of motivation on worker performance, as evidenced by a t-statistic value of 2.169, exceeding the given value of 1.96.

The original model's projected value is 0.069, demonstrating a positive correlation between motivation and overall worker performance. The associated probability value of 0.029 is lower than the preset threshold of 0.05. As substantial evidence supports the notion that employee engagement notably impacts overall employee performance, H1 is considered valid and accepted.

Testing the effect of the results associated with worker engagement mediation upon overall employee performance (H3) is proven through the structural design within Table 3, in which the value associated with t-statistics is based on the output through SmartPLS.

As seen in Table 2, the outcomes from the analysis display how the inclusive indicator is actually over 5, which significantly proves that it may impact the actual variable. Regarding the motivation variable, the greatest value is EM7, whereas, in the same table, it is indicated that the lowest value is EM3. Concerning work satisfaction, the revised results indicate that the highest value is actually ES13, and also the lowest value is ES6. Concerning worker engagement, it can be seen that the highest value is ENG9, whereas the level is ENG4. Concerning workers' overall performance and the results they give within their working environment, the greatest value is EP5; for the same indicator, the lowest value shown in Table 2 is EP11. Therefore, it may be stated that motivation has a higher impact on worker engagement than employee satisfaction.

## CONCLUSION

Empirical results demonstrated how the motivation variable positively impacts workers' overall performance parameters; however, overall work satisfaction has a low influence. Both work motivation and job satisfaction significantly and positively influence employee performance. The actual immediate connection associated with employees does not impact workers' overall performance; however, mediating the result via motivation and work satisfaction may considerably impact workers' overall performance. The outcomes of the research make available strategies for organization administration; within growing higher worker engagement, worker motivation must be urged to become much more energetic as well as revolutionary, as well as to support the actual accomplishment associated with preferred outcomes, produce new innovative suggestions, as well as overall performance enhancement programs to assist workers in creating abilities which increase their productivity. The organization conveys anticipation and stimulates staff conducts to attain essential objectives for that improvement plan to ensure that staff with this particular enthusiasm may take advantage of workers' overall performance. Active employee participation must be urged to make available work satisfaction and motivation based on worker anticipation available to ensure that enthusiasm concerning production is higher and overall performance accomplishment could be optimum.

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# INFORMING GLOBAL HEALTH DIPLOMACY: EXAMINING HEALTH AND PEACE THROUGH THE LENS OF THE GLOBAL BURDEN OF DISEASE

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**Abstract:** *In this study, we aimed to examine the interconnectedness of health and peace, recognizing its significance within global health diplomacy, international relations, and human rights. For that purpose, we used the results from previous and ongoing Global Burden of Disease studies, which represent a comprehensive systematic appraisal of health problems and risks affecting populations worldwide. This paper could use its methodological underpinnings to analyze the impact of war, conflict, and terrorism on mortality and overall human health. In 2000, war and conflict were responsible for an estimated 310,000 deaths globally, compared to 2019, when this number decreased to 69,000. Recent findings reinforced the association between war, conflict, and increased all-cause mortality. Interpersonal violence also significantly contributed to human health loss resulting from disrupted peace. In Europe, disability-adjusted life years due to injury – including those caused by conflict – declined between 2000 and 2019. As we prioritize global health, peace-building initiatives, and global health diplomacy, big data will increasingly play a substantial role in accurately predicting and describing the health effects related to conflicts.*

**Keywords:** *Diplomacy; Peace; Health; Disease; Conflict; Terrorism; Mortality*

## INTRODUCTION

The interrelationship between health and peace is fundamental to the rights of every human being. Achieving peace is a crucial determinant of good health; conversely, a healthy population is essential for attaining and sustaining peace (Hyder et al. 2022, 1). However, the nature of this dynamic relationship is complex and multifaceted, with significant challenges in defining its various pathways and measuring the impact of wars and conflict on health-related outcomes (Hyder et al. 2022, 7).

Both health and peace encompass a myriad of factors. As postulated by the World Health Organization (WHO), health can be defined as “a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity” (WHO 2022). Similarly, peace is more than the mere absence of war; it includes the absence of violence, the existence of harmony, justice, and equity, as well as the ability to manage emerging conflicts without using force (Galtung 1967, 6; Anderson 2004, 102). More specifically, global health diplomacy - which we can describe as practices by which governments and non-state actors attempt to coordinate

and orchestrate global policy solutions to improve global health (Ruckert et al. 2016, 1) - is actively devoted to the complex issue of the interrelationship between peace and health.

Nonetheless, we are witnessing how numerous factors, including conflicts, violence, terrorism, wars, social injustice, and climate change, threaten global peace. In the latter half of the 20<sup>th</sup> century, superpower rivalries resulted in open warfare, proxy wars, and cold wars, leading to global violent conflicts (Schüller-Springorum 2008, 568). Furthermore, conflicts arising from geopolitical, religious, ethnic, and economic issues are resolved either through nonviolent, peaceful means or through violence and war. Using the latter for conflict resolution and peace-building is unjustified, as violence is antithetical to peace (Horton 2001, 1472). Likewise, violence, terrorism, and civil wars pose significant threats to global health, resulting in economic and infrastructural damage, increased mortality or morbidity, and detrimental effects on physical and psychological health (Abuelaish et al. 2020, 1595-6).

However, the question remains of how to measure these grave global health consequences and their implications. The analyses of the connections between health diplomacy, health, and peace come with difficulties in defining this intricate association and the various factors that contribute to it. Unfortunately, there is still a visible lack of comprehensive research on the overall connection, without agreed measures or pathways that can be widely recognized in discussions of health and peace. There is also an issue with defining certain terms; for example, the intricacy of precisely defining the term "aggression" becomes apparent when examining the complexity of events and legal activities throughout historical periods (Bandov and Ogorec 2020, 65). Therefore, more academic work is required to address this issue. In the interim, many results stemming from the global burden of disease (GBD) studies and data and its overall methodological framework may be used to cast some light on this salient question.

## **METHODOLOGICAL ASPECTS OF ASSESSING HEALTH IMPACTS DUE TO WARS AND CONFLICTS**

### **Global Burden of Disease as a Blueprint**

The Global Burden of Disease (GBD) study is one of the largest health-related research projects, aiming to provide a systematic and comprehensive appraisal of the health problems and risks affecting populations worldwide (Murray 2022, 2019). It uses a combination of data sources (which includes censuses, surveys, vital registration systems, and disease surveillance programs) to estimate the mortality linked to an extensive range of health conditions and risk factors and measures of their frequency (Murray 2022, 2020). These health conditions include communicable diseases, non-communicable diseases, injuries, and mental health disorders. Regularly published iterations of the GBD study have impacted global health policy and research by providing a comprehensive, evidence-based understanding of the most prominent causes of disease and injuries worldwide (Murray 2022, 2019). This research enterprise has also been instrumental in identifying priorities for health interventions, allocating funds/resources, and monitoring progress towards achieving targets such as the Sustainable Development Goals.

Naturally, accurate assessment of global health loss necessitates stringent categorization and interpretations. Following the GBD definitions, armed violence involving states,

governments, and societies resulting in destruction, loss of life, and the deployment of military forces is considered a conflict (IHME 2022). On the other hand, terrorism is the use or threatened use of force or violence against individuals to achieve political, religious, or ideological goals and is typically carried out in violation of the law (IHME 2022). It is worth noting that the GBD study considers both conflict and terrorism as types of “interpersonal violence” that are an important contributor to the global burden of disease, injuries, and premature death (IHME 2022). Among many diseases and conditions, the study seeks to offer quantitative insights into the health impact of the forms mentioned above of violence to better inform policy-linked interventions to reduce their negative effects on population health (Haagsma et al. 2022, 142).

### **Primary Metrics of the Global Burden of Disease Approach**

The population-related effects of war result from battle deaths and the indirect consequences of war that may persist long after the conflict ends. The indirect effects on the death toll could be calculated by subtracting deaths that would have occurred during a certain period if the war was not happening from the actual number of deaths that occurred during that period (Murray 2002, 346). Typically, these indirect effects are positive, indicating an increase in mortality for several years following the start of the war. However, there are cases where these effects can be negative, such as when a war leads to the removal of a regime whose policies cause high mortality (Murray 2022, 346).

Alongside mortality, a disability-adjusted life year (DALY) is a widely accepted metric for evaluating population health outcomes, coalescing years of life lost as a result of premature mortality (YLL) and years that are lived with disability (YLD) (Murray and Acharya 1997, 703). Age-standardized DALY rates can be employed to compare the impact of various causes of diseases and injuries over time and across various countries. Comparisons of the population health impact of different causes of injury are important to identify significant causes of injury and trends in injury DALYs over time, which can inform priority setting for national injury prevention and health service planning (Haagsma et al. 2022, 142). Furthermore, the comparison of injury DALY rates can help to identify health inequality gaps between countries, which are unjustifiable differences in health status between different sub-groups of the population that may become especially evident in times of conflict (Haagsma et al. 2022, 142).

In other words, injuries are often not equally distributed within societies, resulting in health inequalities measured by differences in injury incidence and mortality rates across populations (Sengoelge et al. 2019, 653). The DALY metric is critical in measuring health inequalities in conflict-related and other injuries across countries and within populations and has its place in comparing health effects on populations that stem from wars and conflict (Haagsma et al. 2022, 142). In addition, the socio-demographic index (SDI) is used as a composite measure developed by the GBD study that combines three indicators of social and economic development: education, fertility, and income (IHME 2022). The SDI is used to rank countries and regions on a scale from 0 to 1 based on their level of social and economic development; more specifically, countries with high education levels, low fertility rates, and high income are assigned

a higher score, while those with low education levels, high fertility rates, and low income are assigned a lower score.

Still, one major challenge in assessing the health effects of conflict is that information systems used in healthcare, most notably those that record the cause and event of death, frequently stop functioning in conflict-affected populations (Murray 2002, 346). Furthermore, most conflicts are highly politicized, which can result in intentionally misrepresented information being made available (Murray 2002, 346). Given these difficulties in measuring the impact of conflict, it is vital to consider how to identify deaths or injuries caused by it.

### **Estimating Direct and Indirect Mortality**

When civil registration systems are non-existent, identifying conflict-related deaths can be achieved by analyzing census data pre- and post-conflict or through indirect measures like asking questions about the survival of family members in surveys (Hill and Trussel 1977, 313; Spiegel and Salama 2000, 2204). Most analyses on conflict-related deaths heavily rely on press reports, eyewitness accounts, and official combatant announcements, but these estimates can be challenging to confirm (Murray 2002, 346). Compounding this issue is a cornucopia of definitions of conflict that different databases employ (Murray 2002, 346).

Computer programs can now read and code numerous media reports accurately, sometimes better than human individuals, which is a huge step forward considering their sheer volume for reading and coding (King and Lowe 2003, 617). Nonetheless, due to the significant constraints of estimates relying on the qualitative and thematic approach to analyzing media reports, the usage of conservative estimates for some major conflicts has been observed in the literature.

In order to evaluate the indirect impacts of conflict, it is necessary to conduct a specific counterfactual analysis that measures the health outcomes compared to the hypothetical situation without conflict (Murray 2002, 347). Another possible method for estimating these outcomes is analyzing vital registration via a “time series” approach (Murray 2002, 347). However, notwithstanding the successes of certain estimation endeavors based on such recommendations, additional and very comprehensive studies are needed before we can conclude how sizeable conflict impacts mortality. Obtaining more consistent data is crucial for accurately measuring the health consequences of war and conflict. A promising new strategy involves incorporating questions about the deaths of household members and siblings due to conflict into household health surveys. This approach has proven successful in quantifying maternal mortality (Stanton 2000, 111) and could be translated for analyzing health-related effects stemming from war and conflict.

## EXPLORING THE EVIDENCE BASE

### Violence, War, Terrorism, and Global Burden of Disease

In a study published in the “British Medical Journal”, Murray (2002) showed that, in 2000, conflict was responsible for an estimated 310,000 deaths worldwide, with more than 50% occurring in sub-Saharan Africa (Murray 2002, 347). South East Asia accounted for approximately a fifth of global conflict deaths, while the remaining deaths were mainly distributed in the Balkans, Middle East, and Central Asia (Murray 2002, 347). Direct conflict mortality comprised only 0.5% of all mortality, but a particularly significant finding was that many children and adolescents have died due to conflicts (Murray 2002, 348). Moreover, although men aged 15-44 are at the greatest risk of excess mortality due to conflict, almost a quarter of war-related deaths were among women (Murray 2002, 348). This means not only soldiers but also civilians are direct casualties of conflict; if the risk for female and male civilians is equal, estimates suggest that every direct death in the military is coupled with at least one civilian death.

In 2012, Kerridge, Khan, and Sapkota published a comprehensive analysis in the journal “Medicine, Conflict and Survival” to examine how deaths caused by war, terrorism, and one-sided violence from 1994 to 2000 were related to all-cause disability-adjusted life years (DALYs), as well as specific diseases in 2002 (both communicable and non-communicable) (Kerridge et al. 2012, 199). By controlling for various economic factors that influence public health, these researchers found that deaths due to war, terrorism, and violence had a positive association with all-cause DALYs, as well as DALYs specific for infectious and non-communicable diseases for most age and sex groups in the population. Generally, a one percent increase in deaths from such events from 1994 to 2000 has been associated with a 0.16% increase in all-cause DALYs lost in 2002 for the world population (Kerridge et al. 2012, 199). Little difference was observed in the strength of the relationship between women and men or between infectious and non-communicable diseases (Kerridge et al. 2012, 199). These findings had important implications for post-conflict recovery assessment, highlighting the significant health costs of war and supporting the need for interventions that address both groups of diseases to promote peace.

In addition, conflict conditions also give rise to other diseases and hazardous behaviors. In 2013, a paper from the same group (i.e., Kerridge et al.) showed how deaths resulting from war, terrorism, and one-sided violence have a significant relationship with DALYs that stem from diarrheal diseases, trachoma, and specific parasitic infections (Kerridge et al. 2013, 269). More specifically, the study found that, in most of the population groups categorized by sex and age, a one percent increase in deaths resulting from terrorism and related violence was linked to a 0.16% rise in DALYs lost to the abovementioned group of diseases after taking into account the baseline levels of improved water/sanitation, but also a plethora of economic factors. The highest associations were observed among children aged 0 to 4 (Kerridge et al. 2013, 269). These findings indicate that efforts to control many bacterial, viral, and parasitic diseases in conflict-affected populations should prioritize children disproportionately affected by such illnesses. Similar findings were demonstrated for drug and alcohol use (Kerridge et al. 2014, 61). Hence, given the evidence that terrorism and violence may have longer-term effects on DALYs

stemming from communicable diseases and substance use, control strategies should focus on improving health systems infrastructure in conflict-affected areas beyond immediate responses to reducing their incidence and severity.

According to the results in the most recent iteration of the GBD study published in “The Lancet” (Vos et al. 2020, 1204), conflict and terrorism were responsible for a total of 63,000 deaths (95% uncertainty interval 57,200-69,300) in 2019. The majority of these deaths, 47,500 (or 75%), occurred in locations with low socio-demographic index, whereas only 34 (or 0.05%) occurred in locations with high socio-demographic index (Vos et al. 2020, 1204). To ensure the accuracy of the results, the study team improved the location mapping process by implementing a hierarchy that prioritized the most reliable method for mapping raw data to GBD locations. This involved using GPS coordinates, string matching, and feedback from collaborators (IHME 2022). The team also split events spanning multiple years using rates informed by how many months were covered yearly. Lastly, many collaborators worldwide provided updates to key fatal discontinuity events, improving the estimates' accuracy (IHME 2022).

### **New Findings Reinforce Increased All-Cause Mortality Due to War and Conflict**

In 2020, Jawad and co-authors aimed to estimate indirect mortality impacts stemming from armed conflict in civilian populations by analyzing data from 193 countries from 1990 to 2017 (Jawad et al. 2020, 266). The study revealed that armed conflict, regardless of the measurement method, was associated with increased all-cause mortality. The impact on civilian mortality was determined by the intensity of the conflict rather than the actors involved. Wars, the most severe form of armed conflict, were associated with an increase in age-standardized mortality of civilians due to all causes by an average of 81.5 per 100,000 individuals, resulting in about 29.4 million deaths between 1990 and 2017 (Jawad et al. 2020, 266). Wars were also responsible for increased deaths due to communicable, nutritional, maternal, and neonatal diseases (21.0 million deaths), non-communicable or non-infectious diseases (6.0 million deaths), and injuries (2.4 million deaths). Children under five had disproportionately larger effect estimates regardless of the cause of death.

These numbers are indeed staggering, and Jawad and colleagues emphasize that they are further compounded by difficulties in maintaining sanitation, avoiding overcrowded living conditions, and providing immunizations following armed conflict and displacement, which led to an increase in deaths from respiratory, enteric, and neglected tropical diseases (Jawad et al. 2020, 266). Increased deaths from maternal and neonatal disorders were also observed, possibly due to reduced access to skilled birth attendants and health centers for delivery. Likewise, this study identified non-communicable diseases as a significant health concern in modern-day protracted conflicts, especially in conflict-affected countries with a substantial baseline burden. This has to be considered when assessing the direct and indirect effects of wars and conflicts.

### **Interpersonal Violence vs. Peace: Recent Data from the Americas**

Americas region is considered the most homicide-prone area in the world according to the GBD data. This is not war or conflict *per se*, but the toll is significant, as nearly all of the top



50 cities that have the highest homicide rates are situated in the Americas - with four of them located in the United States (PAHO 2022). Firearms are the primary weapon used in homicides in this specific region, and the highest proportion of homicides is committed with firearms in the Americas compared to other parts of the globe. This region is also home to eight of the ten most violent countries, with the United States leading in homicide rates among industrialized nations (PAHO 2022). This means that not only specific wars, conflicts, and terrorist acts should be considered when discussing the effects of disrupted peace in the context of interpersonal violence.

In other words, quantitatively measuring the lack of peace is cumbersome, but proxy circumstances can provide insights into its impact. Interpersonal violence is leading among causes of disability and mortality in the Americas, resulting in over 260,000 deaths in 2019 due to intentional physical force, including using firearms and deliberate self-harm (Hyder et al. 2022, 5). In the rankings, interpersonal violence was recognized as the third leading cause of DALYs and the second leading cause of YLLs due to premature mortality in the Americas (Hyder et al. 2022, 5). This is also an important vantage point within this context, so it must be emphasized.

While a decrease in rates of interpersonal violence (but also self-harm) has been observed in the past five years, mortality and DALY rates per 100,000 individuals in 2019 remain elevated compared to other regions of the world (Hyder et al. 2022, 5). In particular, the Latin American region within the Americas is characterized by the highest-burden rates for these specific violence types (PAHO 2022). These statistics highlight the continuing heavy toll of acute/chronic violence, which is indicative of the absence of peace that continues to persist in the region.

### **A European Primer: Falling Rates Across the Continent**

According to a comprehensive study by Haagsma and colleagues (2022, 142), the incidence of injuries due to all causes in all European countries in 2019 was 109.7 million, while 458,669 people died as a result. The mortality rate per 100,000, specifically for conflict and terrorism, was 0.12 (95% uncertainty interval 0.11-0.13) in Eastern Europe, while the incidence rate per 100,000 was 19.4 (15.7-23.3) and 0.4 (0.3-0.5) for Eastern and Western Europe, respectively. Compared to previous years, in Eastern Europe, declines were observed for DALY rates considering all categories of injury; however, the largest reduction was observed in the conflict above and terrorism category (i.e., a 90% reduction) (Haagsma et al. 2022, 142). Moreover, Central Europe also had the largest decrease in DALY rates for injury caused by conflict and terrorism (a 76% reduction), while Western Europe decreased by 54%.

Still, notwithstanding the significant reduction in DALY rates due to conflict and terrorism, the burden of terrorism remained high in Croatia, Bosnia and Herzegovina, and Serbia over the 20-year study period encompassed in this study (Haagsma et al. 2022, 142). This may be explained by the profound impact of the Croatian War of Independence and the Bosnian War of the early 1990s on health and disabilities, resulting in many Balkan residents experiencing the long-term consequences of injury almost 30 years later. Of course, considering the ongoing war



in Ukraine, the picture in the WHO European Region will inevitably change and become much more dire in future iterations of the GBD analysis.

## **TOWARDS ACCURATE FORECASTING OF CONFLICT-RELATED HEALTH IMPACTS**

Evaluating the health impacts of conflict can furnish an essential evidence base for risk assessments, which is indispensable for preparedness and policy planning. While political scientists have made strides in forecasting both international and intranational conflicts (Russet 2005, 346), as well as state failure (King and Zeng 2001, 623), their studies are not only infrequently pursued but also based on outdated data sources and not amenable to reliable measurements. To facilitate better measurement, it is important to develop updated risk forecasts based on ongoing events, which can be automated through news stories or eyewitness accounts (Murray 2002, 348). Ensuing validated forecasts will help the public health community carry out its duty of assessing risk, which in turn could prevent the health consequences of conflict (Murray 2002, 348).

In a nutshell, more precise valuations of the likelihood of conflict and the possible magnitude of its effects would allow for the prevention of its health consequences. Political scientists have analyzed the root causes of war for a long time, including the appeasing effects of democracies within the international system (Murray 2002, 348). Collaborating with public health researchers could establish a stronger foundation for preventing conflicts. Unfortunately, these two fields are not well-connected. Therefore, creating a more comprehensive approach by combining their research output would benefit both sides and, in turn, bring greater focus to the international community's efforts to safeguard individuals and populations from the effects of conflict.

## **GLOBAL HEALTH DIPLOMACY AND PEACE-BUILDING INITIATIVES WITH A FOCUS ON GLOBAL HEALTH**

Taking an all-inclusive approach in the analysis is a way to understand how health and peace promotion share similar goals and methods and are inherently interconnected in their aim to attain cooperation and social harmony. The methods of global health diplomacy, implemented by states or non-state actors, contribute the most to better global health and promote peace. One example is medical professionals from organizations such as Médecins sans Frontières or the International Committee of the Red Cross, as they impartially treat affected individuals and victims from different sides of a conflict sans prejudgments or prejudice (Abuelaish et al. 2020, 1590). Initiatives aiming to improve a population's health with concomitant contributions to peace and security are often called "peace-health initiatives" (MacQueen 2000, 293). Moreover, shifting toward peace in war zones generally improves the health and healthcare of the affected population (Hyder et al. 2022, 6).

Public health programs and policies can aid the foundation and sustainability of peace efforts. One example is the Red Cross, which supported the development of national societies in different countries of the world to coordinate health and social interventions in peacetime and to establish protocols for treating victims and prisoners in times of armed conflict based on

humanitarian principles (Di Liscia et al. 2019, 1). In addition, a study of the influence of the Colombian Peace Agreement on social determinants of health over ten years found that there is a strong link between the peace process and improvements in health, educational, economic, and social inequalities/inequities by using documentary data (Mondragón-Sánchez et al. 2021, 1). Consequently, these approaches can also generate valuable data in further assessing this problem.

Arya proposed a model called “peace through health”, based on a prevention model in public health sciences where war is treated like a disease and introduced health interventions act as preventive measures (Arya 2004, 242). This model recognizes that medical professionals have the potential to act for peace based on their character, activity, and knowledge. Character refers to the personality traits, such as solidarity, altruism, dissent, personification, and diplomacy, which inform health services delivery in conflict situations. Activity refers to a professional medical stance, which emphasizes the importance of recognizing that war readiness is not only a political, social, or economic issue but also a medical one. Lastly, knowledge involves not only knowledge but also the training, expertise, and skills of medical professionals needed to work in post-traumatic situations, apply mediation principles, and develop an improved understanding of conflict and peace concepts (Arya 2004, 242).

## CONCLUSION

The interrelationship between health and peace is fundamental for the sustainable development of global society and for protecting the human rights of every human being. When society lives in a period of peace, citizens live in a significantly healthier environment; at the same time, healthy populations are key to achieving sustainable peace in any society. Consequently, global health diplomacy is extremely important in promoting peace and ensuring health for all.

In order to achieve global peace and the good health of citizens in any country, international cooperation is necessary, and the instruments of global health diplomacy have the highest success rate in such instances. State and non-state actors are active in global health diplomacy, and the role of both actors is crucial for achieving the final goals. In addition, the role of international governmental organizations (such as the UN and WHO, which belong to state actors) is also crucial, as their members are primarily states and state bodies. However, non-state actors such as Médecins sans Frontières and the International Committee of the Red Cross are paramount in promoting health and advocating for peace. They cover areas of activity in which state actors are not sufficiently active. Neither peace nor good health can often be fully realized without international cooperation. Examples range from pandemics, natural disasters, and climate change to interstate, regional, and global conflicts.

At the same time, the current discourse on violence reduction within the context of interventions for promoting peace is largely based on the body of evidence from studies conducted in high-income countries and primarily on explicit measures. These measures typically consist of preventive actions, such as identifying risk and protective factors, law-enforcement strategies, such as punishment and incarceration, and various community-based approaches. However, additional evidence on effective violence reduction in low- and middle-

income countries, where we saw from the available studies that the burden is indeed significant, is indispensable for informing and developing regional policies.

It can be stated that the connection between peace and health is intricate, multifaceted, and laden with challenges concerning definitions, outcomes, and pertaining measurements. This article tried to examine this connection within the available evidence of the GBD, highlighting the need for interdisciplinary research and empirical investigation to tackle these pertinent challenges. It can directly improve human welfare by enhancing the accuracy of war-related health impacts and reducing many uncertainties. The concept of “human security” is, and should be unequivocally focused on, ensuring appropriate guarantees for the future, and the role of big data will become ever more prominent. For improved quality of life of citizens and sustainable development of society, a genuine commitment to citizens’ good health and promoting and advocating peace with the coordination mechanism of global health diplomacy is necessary.

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# COMBATING CROSS-BORDER ORGANIZED CRIME IN THE BORDER REGION OF THE STATE: STRATEGY DEVELOPMENT METHODOLOGY

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**Abstract:** *The article describes the methodology for the following successive stages: data collection on cross-border organized crime; analysis of the impact of PEST factors of the border region on the number of cross-border crimes committed by organized criminal groups; generalization and analysis of parameters for assessing the capabilities of organized criminal groups; assessment of the level of capabilities of organized criminal groups to commit cross-border crimes; passporting of organized criminal groups specializing in cross-border crimes; modeling of scenarios of the development of organized criminal groups illegal activities by types of cross-border crimes; selection of options for fighting cross-border organized crime by the targeted impact on organized criminal groups. The strategy envisages a complex of the following measures: rapid (operational) interventions in critical situations; anti-crisis measures of the border guard operation to neutralize threats; other regime and control measures to strengthen the protection of the state border; standard planned and preventive measures; measures of sustainable development of the border security system. Implementing the methodology in practice enables the development of a strategic approach to effectively utilize the resources of state law enforcement agencies in combating cross-border crime.*

**Keywords:** *Organized Crime; Cross-Border Crime; Strategy; Criminal Group; Border Region*

## INTRODUCTION

The modern security space of many countries of the world is characterized by military and political, social and economic, and ecological instability (Threats without borders 2022) due to the influence of many factors, which, in particular, include (On the National Security Strategy of Ukraine 2020): the rapid globalization of crime; imbalance of countries' development; consequences of financial and economic crises; deterioration of the socioeconomic situation of the population; strengthening of international competition of states for spheres of influence, their regional associations and subjects of international relations; aggravation of international relations and escalation of various conflicts; etc. The negative impact of these factors contributes to the growth of organized crime and the spread of its activity threats. In this regard, the most unstable (dangerous) are the border (peripheral) regions of the states, which open the way for transnational crime. So, for example, according to the Unified Reports of Ukraine on criminal offenses from 2014 to 2022, there is a constant increase in the number of organized criminal groups (OCG) and crimes committed by them (On Registered Criminal Offenses 2022) in

Ukraine. At the same time, terrorist activities rapidly spread in Ukraine during the escalation of the conflict from 2014 to 2015 and the full-scale armed invasion of the aggressor state in 2022, which significantly increased the global index of terrorism in Ukraine among 163 countries of the world (Ukraine Terrorism Index 2022). As a result, according to the United Nations Organization for the Coordination of Humanitarian Affairs, as of 20 December 2022, 7 million 863 thousand people emigrated from Ukraine to EU Member States, 99.5 thousand people emigrated to the Republic of Moldova (Status Humanitarian Situation in Ukraine 2022).

The need to combat transnational organized crime is stipulated by international acts, in particular by the mentioned Convention and the Protocols to it, as well as by the national legislation of the states (for example, the Law of Ukraine "On the Organizational and Legal Basis of Combating Organized Crime" (On the organizational and legal foundations of combating organized crime 1993), the Strategy for Combating Organized Crime (2020).

The effectiveness of combating cross-border organized crime (COC) is achieved by the involvement of competent law enforcement agencies of various states and international organizations, whose powers extend to the territory of the OCG. Instead, the neutralization of transnational organized crime as cross-border organized crime can be effective within a separate border region. This especially applies to neighboring states, between which friendly relations are not maintained, and accordingly, issues of ensuring the security of the state border are not jointly resolved. At the same time, it should be noted that each border region has both common features and specific conditions for the genesis of OCG and the spread of COC. These conditions determine the activity of the OCG regarding the constant search for effective methods and schemes for committing cross-border crimes.

Given the complex criminogenic situation in the border regions of Ukraine, and taking into account the severe consequences for society due to the influence of COC, the priority task of state law enforcement agencies is to respond to relevant threats adequately. This is achieved by forming the necessary capabilities of the region's security system, continuous monitoring of threats, and comprehensive risk analysis. However, the current state of anti-terrorist operations in the border regions of Ukraine is characterized by the presence of acute problems in the activities of law enforcement agencies, which leads to a decrease in the effectiveness of the security system, in particular, due to: the imperfection of the model for monitoring the criminogenic situation; the absence of a single methodology for assessing threats and analyzing the risks of organized crime for law enforcement agencies; gaps in the interaction of entities fighting against organized crime; deficiencies in regulatory and legal support for combating organized crime; use of outdated crime combating approaches (forms and methods).

A systematic approach to combating cross-border organized crime (COC) is deemed necessary to ensure safety and address the abovementioned issues. Implementing a strategy for combating COC in the state's border region is believed to be a primary means to address these issues. This factor substantiates the practical relevance of the research topic.

## LITERATURE REVIEW

Due to their exceptional importance, problematic issues related to ensuring border security and combating the manifestations of COC have been studied in the publications of many scientists.

Cam (2021) examined the regulation issue of intercontinental migration to the United States of America by law enforcement agencies of transit states. Based on statistical information about migrants in Mexico from Asian and African countries, he established the main grounds for their legalization.

Covadonga (2023) studied the practice of Frontex's daily activities in organizing state border protection. It determined the role of "humanitarian rescue" and "deterrence" concepts in border control.

Farion, Balendr, Androshchuk, Mostovyi, and Grinchenko (2022) developed various techniques and methods with innovative procedures for obtaining and analyzing information about cross-border organized crime from various sources, including the Internet. The technology of operational protection of the state border was proposed based on the relevant construction of a source network for obtaining information about cross-border crime.

Gonzalez-Sanchez (2020) investigated organized crime in one of the criminogenic regions of Spain, which specializes in narcotics and includes the following interrelated criminal groups: drug users; drug dealers; police officers; a group of persons influencing the reduction of harm to society from drug trafficking.

Hai (2020) studied the nature of persistent transnational crime in Vietnam, specializing in drug trafficking and human trafficking. He analyzed its differences from the crime of Southeast Asian states and specific ways of committing crimes. The author emphasized the tricks associated with the flexible actions of criminals to avoid responsibility and the influence of law enforcement agencies.

Ilijevski, Babanoski, and Dimovski (2019), based on the analysis of statistical data on trials and sentences, studied the circumstances of terrorist attacks (failed, prevented, and completed) in the EU Member States, as well as the conditions for committing criminal acts.

Kox and Staring (2021) investigated the implementation of intra-state control of illegal migration in the Netherlands. They emphasized the importance of using this mechanism by individual states during the deportation of illegal migrants.

Kupriienko (2016) worked out a method of managing the development of the border security system of Ukraine in the conditions of a differentiated security environment for the border protection concepts formation. For various concepts of border security, he developed a system of criteria, functions, and organizational and technical measures considering the military, political, social, and economic conditions and the estimation of changes for a certain period concerning certain sections of the state border.

Kushnir and Hutsuliak (2021) formed a typical criminological characteristic (profile) of a person who committed a criminal offense in state border protection.

Machado, Granja, and Amelung (2020) developed a technological system that ensures the exchange of information from DNA databases between the Member States of the European Union

in the context of police and judicial authorities cooperation in the fight against cross-border crime and terrorism.

Oomen, Baumgartel, Miellet, Sabchev, and Durmuş (2021) examined border practices in Greece, Tercia, the Netherlands, Italy, and Germany and the factors that facilitate migration or create barriers to migrant mobility locally. The role of social, economic, and spatial factors in migration processes was determined.

Peirce (2020) investigated organized criminal activity in the context of economic development in Latin America and the impact of crime factors catalysts to understand the trends of its spread in certain regions of the state at the macro level.

Pryimachenko, Ivanskyi, Lipynskyi, Matvieiev, and Povoroznik (2021) investigated the relationship between the illegal crossing of the state border and human trafficking and provided them with a comparative description and recommendations for combating these phenomena.

Traistaru (2021) investigated the scale of the phenomenon of organized cross-border crime in Romania, the consequences of this phenomenon in Romania, the factors influencing the development of organized cross-border crime, the necessary legislative changes to combat this phenomenon and promote the proper functioning of competent institutions, and what can be done to strengthen institutional cooperation in the fight against organized cross-border crime.

Wonders and Fernandez-Bessa (2021) investigated the problems of national migration policy and state border protection, which led to new locations (cities of refuge) for migrants in the United States of America and Spain.

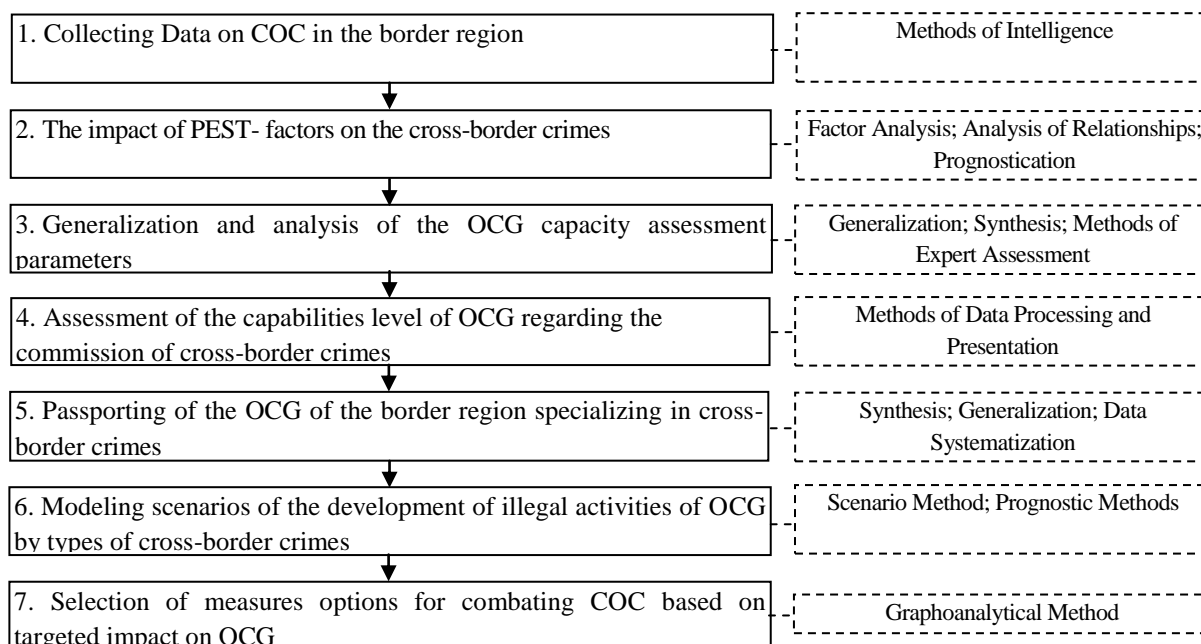
Woude and Staring (2021) studied migration processes and the practice of their control in different countries. These processes were characterized, and the origin nature of the illegal migration channels from Asian and African countries was substantiated.

Zahorodnii, Manuyilova, and Belogubova (2019) identified and structured the main trends of the state political situation influence on transnational organized criminal activity in the circulation of drugs, psychotropic substances, firearms, explosive charges and devices, and vehicles. They proposed a complex of effective countermeasures against the outlined manifestations of transnational organized crime.

Summarizing the literature review, it should be noted that the analyzed scientific works considered only certain aspects of combating COC. At the same time, complex studies of COC in the border region to form a countermeasure strategy were not conducted. This determines the scientific relevance of the research.

## METHODOLOGY

The object of the study was the system of combating organized criminal activity, and the subject of the study was the process of justifying the strategy of combating cross-border organized crime in the state's border region. The article aims to develop a methodology for forming a strategy for combating cross-border organized crime in the state's border region. It is proposed to solve seven partial research tasks to achieve the goal according to the block diagram shown in Figure 1.



**Figure 1: Block Diagram of a Strategy Forming Methodology for Combating COC in the Border Region of the State (Source: Authors' research)**

In Figure 1, in addition to each methodology stage, a list of relevant methods is presented in dotted blocks (Kupriienko and Farion 2016). The research methodology involves the following limitations:

- Combating OCG is investigated in the border region of one state;
- the territorial boundaries of the border region are determined by the specific conditions for committing cross-border crimes;
- the effectiveness of the COC strategy in the border region of the state depends on the timeliness, completeness, and reliability of the initial data, as well as the availability of appropriate capabilities for its implementation;
- the article provides examples with such initial data that allow a clearer understanding of the processes under investigation.

In a general sense, the strategy involves defining general principles, priorities, tasks, and a mechanism for protecting the vital interests of the individual (person), society and the state from external and internal threats of a non-military nature. Combating COC in the border region is a mechanism of current and prospective influence on OCG to reduce or eliminate their activity significantly.

Within the scope of the research topic, the goal of the strategy is the formation of a complex of measures to combat COC in the border region of the state: rapid (operational) intervention in critical situations - in the case of a critical situation; anti-crisis measures of the border operation to neutralize threats - to neutralize threats; other regime and control measures to strengthen the protection of the state border - to strengthen the protection of the state

border; standard planned and preventive measures - in daily activity; measures of sustainable development of the border security system - on an ongoing basis.

So, according to the description of the above stages, the method of forming a strategy for combating COC in the state's border region has been presented. This technique provides an opportunity to determine the priorities and options for measures to combat COC based on the targeted impact on each of the OCG, which is necessary for the targeted application of existing capabilities and the formation of new capabilities of the subjects of combating organized crime. It has been proposed to implement the strategy formation process for combating COC using a graph-analytical method of analyzing the scenarios of OCG spreading, considering the opportuneness of the identified factors.

## RESEARCH RESULTS

According to the chosen topic of the article, the main terms to be investigated are "cross-border crime" and "organized criminal group".

The United Nations Convention against Transnational Organized Crime (2004) gives the following interpretation to the mentioned concepts:

- Organized crime refers to the activities of a group of individuals who are organized in a specialized structure designed to commit crimes;
- organized criminal group - a structurally organized group consisting of three or more persons that exist during a certain period and acts in concert to commit one or more serious crimes or crimes for receiving, directly or indirectly, financial or other material benefits;
- cross-border crime - a crime committed: in more than one state; in one state, but a substantial part of its preparation, planning, leading, or control takes place in another state; in one state, but with the participation of an organized criminal group that commits criminal activities in more than one state; in one state, but its significant consequences take place in another state.

According to Europol (2023), cross-border crimes are classified according to the following groups: illegal arms trafficking; human and organ trafficking; illegal importation of migrants; production, trade, and distribution of drugs; cybercrimes (in particular, sexual exploitation of children in cyberspace); forgery of payment means; fraud in the field of information technology; transportation of hazardous waste; crimes against intellectual property; organized crimes against property; corruption; trade of "red book" species of nature.

The list of the main types of cross-border crimes committed by OCG in the border regions of Ukraine across the state border with the countries of the European Union is indicated in Table 1 according to the title of the articles of the Criminal Code of Ukraine (2001).

**Table 1: List of Certain Types of Cross-Border Crimes Committed by OCG in the Border Region (according to the title of the articles of the Criminal Code of Ukraine) (Source: Authors' analysis)**

| No. | Article Number | The name of the type of cross-border crime according to the articles of the Code   |
|-----|----------------|--|
| 1   | 305            | Smuggling of drugs, psychotropic substances, their analogs or precursors, or falsified medicinal products  |
| 2   | 332            | Illegal transportation of persons across the state border  |
| 3   | 332.2          | Illegal crossing of the state border   |
| 4   | 149            | Human trafficking  |
| 5   | 200            | Illegal actions with transfer documents, payment cards, and other means of access to bank accounts, electronic money, equipment for its production |
| 6   | 201            | Smuggling  |
| 7   | 201.2          | Illegal use of humanitarian aid, charitable donations, or free aid for profit  |
| 8   | 249            | Illegal occupation of fish, animals, or other water extractive industry  |
| 9   | 258            | Terrorist act  |
| 10  | 258.3          | Creation of a terrorist group or terrorist organization  |
| 11  | 258.5          | Financing of terrorism   |
| 12  | 201            | Smuggling  |

Combating organized crime in the border region is carried out in the form of:

- *prevention* (prophylactic and preventive activities), which is aimed at identifying signs and eliminating the causes of illegal (criminal) activity;
- *counteraction* aims to stop, reveal, investigate crimes, and bring guilty persons to justice.

Several analytical tools are used to form a complex of measures to combat COC by law enforcement agencies of Ukraine, such as, for example, strategic criminal analysis (Farion 2020), SOCTA (Serious and Organized Crime Threat Assessment 2017), Sleipnir (OSCE Guidebook Intelligence-Led Policing 2017), SWOT analysis. However, the results of their use in practice are not sufficiently effective, confirmed by the increase in cross-border crimes, organized criminal groups, their spread, and the significant consequences of their manifestation (serious crimes). One of the scientific approaches that will help to solve this urgent issue comprehensively is the combined use of these and other instrumental means of analytical research of organized crime and, based on this, the development of a methodology for the formation of a strategy for combating COC in the border region of the state. Hence, a more detailed examination of the content of the stated methodology can be undertaken by analyzing its stages.

### Collecting Data on COC in the Border Region

At the stage of collecting data on COC in the border region of the state, information is obtained about the general and criminogenic situation in the state's border region. The data collection process involves constant monitoring of the situation in the border region to identify informational signs that are indicators of the activities of the OCG and the cross-border crimes committed by them. In addition, information is received from all available sources - territorial and regional units of entities fighting against organized crime and their other representatives.



Organized criminal groups that commit cross-border crimes are characterized by a certain complex of characteristics, the main ones of which are: the presence of a common fund or centralized financing, a collegial form of management, where the leadership of the group is carried out by one or a group of persons who have an equal position; the presence of informal norms of behavior, laws, traditions and rules for their observance; the presence of a functional and hierarchical structure and the distribution of functions among members of the group by purpose and field of activity; collection and accumulation in information databases necessary for the implementation of illegal activities. In addition, in recent years, cross-border organized criminal activity has been characterized by an active tendency to cooperate in efforts and integrate into various spheres of society. This gives OCG competitiveness and the opportunity to legalize capital and expand spheres and territories of influence.

Data on OCG are summarized and systematized, and if necessary, they are obtained through the capabilities of interacting structures, for example, from subjects of integrated border management. At the same time, attention is focused on several elements, in particular: the presence of organized crime, spheres of influence, the scale and factors of its manifestation, the composition of persons involved in illegal activities, and other information that can characterize the quantitative and qualitative parameters of OCG. For this purpose, reliable data is collected on:

- organized criminal activity, spheres of its influence, and types of related crimes; cross-border organized criminal groups;
- single offenders involved in cross-border crimes;
- specifics of the activity environment;
- consequences and damage caused to society and the state, etc.

The information processed as a result of the analysis is systematized and summarized in the relevant databases.

In the following, secondary information is obtained based on a complex analysis of the information, that is, intelligence data that provide the OCG's characteristics and define a specific type of cross-border crime (see Table 1). In addition, information is obtained on all factors affecting cross-border organized criminal activity in the border region. Every threat from COC arises due to the influence of several factors that, over time, can increase or reduce to a minimum or leave the OCG activity unchanged in committing cross-border crimes. So, such factors are divided into two groups: stimulators and destimulators. At the same time, destimulating factors are arranged to the format of stimulating factors. An example of stimulating factors for cross-border crimes (specific to the territory of Ukraine) is given in Table 2.

The content of factors-stimulators of COC, indicated in Table 2, has been synthesized from general information obtained on the spheres of societal activity in the border region, the nature of the criminal activity, OCG, types of cross-border crimes committed by them, etc. The list of factors indicated in Table 2 is not comprehensive. It is intended only to demonstrate the essence of the methodology stages.

Describing the factors related to COC provides an opportunity to clarify better the current and future opportunities or obstacles for OCG and the spheres of their criminal activity.

**Table 2: Stimulating Factors for Cross-Border Crimes (Source: Authors' research)**

| No. (j) | The name of the factor ( $w_s$ ) according to the PEST analysis specifics  |
|---------|--|
| 1.      | <i>A group of political factors</i>  |
| 1.1.    | Gaps in the strategy implementation for the border region development (correspondence of the implemented measures to the planned ones) |
| 1.2.    | The state of aggravation of the social and political situation in the border region  |
| ...     | ...  |
| 2.      | <i>A group of economic factors</i>   |
| 2.1.    | The average level of population unemployment in the border region  |
| 2.2.    | The average level of the population income decreased in the border region  |
| ...     | ...  |
| 3.      | <i>A group of social factors</i>   |
| 3.1.    | Persons involved in corruption in state authorities of the border region   |
| 3.2.    | The average level of the population dissatisfaction with the social conditions of life in the border region                            |
| ...     | ...  |
| 4.      | <i>A group of technological factors</i>  |
| 4.1.    | The part of the area of the border region with internet coverage relative to its total area  |
| 4.2.    | Lack of software and technical means of Internet monitoring for the subjects combating organized crime                                 |
| ...     | ...  |

The use of factors provides an understanding of current conditions and major changes that may occur in the operational and criminogenic situation in the border region. Also, it makes it possible to substantiate the expediency of certain priorities in combating COC, following which more specific and targeted recommendations should be developed.

### The Impact of PEST Factors on the Cross-Border Crimes

At this stage, the data reflecting the dynamics of the dependence of the number of cross-border crimes committed by OCG on PEST-factors impact in the border region have been summarized and analyzed. The dynamics of this dependence are presented in Table 3.

**Table 3: Dynamics of the Dependence of the Cross-Border Crimes Number on the Influence of PEST-Factors in the Border Region (Source: Authors' research)**

| $w_s$ | $u$     | $D_z$ | Types of Cross-Border Crimes (No. in Table 1) |       |       |       |          |       |       |       |     |        | $\overline{k_z}$ | $k_{vw}$    |
|-------|---------|-------|---|-------|-------|-------|----------|-------|-------|-------|-----|--------|------------------|-------------|
|       |         |       | No. 1   |       |       |       | No. 2    |       |       |       | ... | No. 12 |                  |             |
|       |         |       | $N_{z1}$                                      | $R_z$ | $v_w$ | $k_z$ | $N_{z1}$ | $R_z$ | $v_w$ | $k_z$ | ... | $k_z$  |                  |             |
| 1     | 2       | 3     | 4   | 5     | 6     | 7     | 8        | 9     | 10    | 11    | 12  | 13     | 14               | 15          |
| 1.1.  | $r + 1$ | 0.07  | 88  | -0.28 | -0.02 | 0.15  | 254      | -0.16 | -0.01 | 0.07  | ... | 0.35   | 0.16             | 0.07        |
|       | $r$     | 0.09  | 123   | 0.58  | 0.05  | -     | 301      | 0.14  | 0.01  | -     | ... | -      | -                | -           |
|       | $r - 1$ | 0.06  | 78  | 0.22  | 0.01  | -     | 263      | 0.33  | 0.02  | -     | ... | -      | -                | -           |
|       | $r - 2$ | 0.07  | 64  | 0     | 0     | -     | 198      | 0     | 0     | -     | ... | -      | -                | -           |
| 1.2.  | $r + 1$ | 0.07  | 88  | -0.28 | -0.02 | 0.14  | 254      | -0.16 | -0.01 | 0.10  | ... | 0.29   | 0.13             | <b>0.12</b> |
|       | $r$     | 0.07  | 123   | 0.58  | 0.04  | -     | 301      | 0.14  | 0.01  | -     | ... | -      | -                | -           |
|       | $r - 1$ | 0.09  | 78  | 0.22  | 0.02  | -     | 263      | 0.33  | 0.03  | -     | ... | -      | -                | -           |
|       | $r - 2$ | 0.04  | 64  | 0     | 0     | -     | 198      | 0     | 0     | -     | ... | -      | -                | -           |
| 2.1.  | $r + 1$ | 0.22  | 88  | -0.28 | -0.06 | 0.49  | 254      | -0.16 | -0.03 | 0.22  | ... | 0.61   | 0.49             | <b>0.25</b> |

|      |       |      |     |       |       |      |     |       |       |      |     |      |      |             |
|------|-------|------|-----|-------|-------|------|-----|-------|-------|------|-----|------|------|-------------|
|      | $r$   | 0.28 | 123 | 0.58  | 0.16  | -    | 301 | 0.14  | 0.04  | -    | ... | -    | -    | -           |
|      | $r-1$ | 0.20 | 78  | 0.22  | 0.04  | -    | 263 | 0.33  | 0.07  | -    | ... | -    | -    | -           |
|      | $r-2$ | 0.18 | 64  | 0     | 0     | -    | 198 | 0     | 0     | -    | ... | -    | -    | -           |
| 2.2. | $r+1$ | 0.15 | 88  | -0.28 | -0.04 | 0.45 | 254 | -0.16 | -0.02 | 0.26 | ... | 0.54 | 0.39 | <b>0.22</b> |
|      | $r$   | 0.23 | 123 | 0.58  | 0.13  | -    | 301 | 0.14  | 0.03  | -    | ... | -    | -    | -           |
|      | $r-1$ | 0.21 | 78  | 0.22  | 0.05  | -    | 263 | 0.33  | 0.07  | -    | ... | -    | -    | -           |
|      | $r-2$ | 0.02 | 64  | 0     | 0     | -    | 198 | 0     | 0     | -    | ... | -    | -    | -           |
| 3.1. | $r+1$ | 0.14 | 88  | -0.28 | -0.04 | 0.33 | 254 | -0.16 | -0.02 | 0.17 | ... | 0.38 | 0.27 | <b>0.15</b> |
|      | $r$   | 0.19 | 123 | 0.58  | 0.11  | -    | 301 | 0.14  | 0.03  | -    | ... | -    | -    | -           |
|      | $r-1$ | 0.14 | 78  | 0.22  | 0.03  | -    | 263 | 0.33  | 0.05  | -    | ... | -    | -    | -           |
|      | $r-2$ | 0.10 | 64  | 0     | 0     | -    | 198 | 0     | 0     | -    | ... | -    | -    | -           |
| 3.2. | $r+1$ | 0.21 | 88  | -0.28 | -0.06 | 0.62 | 254 | -0.16 | -0.03 | 0.35 | ... | 0.57 | 0.52 | <b>0.21</b> |
|      | $r$   | 0.32 | 123 | 0.58  | 0.18  | -    | 301 | 0.14  | 0.05  | -    | ... | -    | -    | -           |
|      | $r-1$ | 0.28 | 78  | 0.22  | 0.06  | -    | 263 | 0.33  | 0.09  | -    | ... | -    | -    | -           |
|      | $r-2$ | 0.04 | 64  | 0     | 0     | -    | 198 | 0     | 0     | -    | ... | -    | -    | -           |
| 4.1. | $r+1$ | 0.11 | 88  | -0.28 | -0.03 | 0.28 | 254 | -0.16 | -0.02 | 0.13 | ... | 0.31 | 0.23 | 0.09        |
|      | $r$   | 0.16 | 123 | 0.58  | 0.09  | -    | 301 | 0.14  | 0.02  | -    | ... | -    | -    | -           |
|      | $r-1$ | 0.10 | 78  | 0.22  | 0.02  | -    | 263 | 0.33  | 0.03  | -    | ... | -    | -    | -           |
|      | $r-2$ | 0.06 | 64  | 0     | 0     | -    | 198 | 0     | 0     | -    | ... | -    | -    | -           |
| 4.2. | $r+1$ | 0.19 | 88  | -0.28 | -0.05 | 0.40 | 254 | -0.16 | -0.03 | 0.24 | ... | 0.29 | 0.29 | <b>0.12</b> |
|      | $r$   | 0.22 | 123 | 0.58  | 0.13  | -    | 301 | 0.14  | 0.03  | -    | ... | -    | -    | -           |
|      | $r-1$ | 0.21 | 78  | 0.22  | 0.05  | -    | 263 | 0.33  | 0.07  | -    | ... | -    | -    | -           |
|      | $r-2$ | 0.13 | 64  | 0     | 0     | -    | 198 | 0     | 0     | -    | ... | -    | -    | -           |

In Table 3, the following designations are adopted:  $w_s$  - COC factor according to the order number in Table 2;  $u$  - the assessment period of the factor, which is divided into the current year ( $r$ ), the previous year ( $r-1$ ), two years later ( $r-2$ ) and the next year ( $r+1$ );  $N_{zl}$  is the total value of the number of cross-border crimes detected at the state border by the State Border Guard Service of Ukraine and law enforcement agencies of an adjacent state for a certain period ( $u$ );  $R_z$  is the level of changes in cross-border crime, which is determined respectively to the previous year;  $v_w$  - the influence of the factor on the level of cross-border crime;  $k_z$  - prognostic coefficient of changes of the factor influence;  $\overline{k_z}$  - the average value of the coefficients of changes in the influence of the factor;  $k_{ww}$  - weight coefficient of the factor influence;  $D_z$  is the dynamics of the factor level that corresponds to the result value of the statistical data analysis.

Various prognostic methods can determine the value of the dynamics of the factor level and the number of cross-border crimes for the next year. The easiest method for perception is the average arithmetic value for the last three years. In Table 3, in column 5, the level of changes in cross-border crime according to the control factor is determined by the expression:

$$R_z(u) = \frac{N_{zl}(u) - N_{zl}(u-1)}{N_{zl}(u-1)} \quad (1)$$

where  $u = r, r-1, r-2, r+1$ .

The formula determines the influence of the factor on the level of crime:

$$v_w(u) = D_z(u) \cdot R_z(u) \quad (2)$$

Then the prognostic coefficient of changes of the factor influence is determined by the expression:

$$k_z(r+1) = \frac{(v_w(r) + v_w(r-1) + v_w(r-2)) \cdot 10}{3}, \quad (3)$$

where 10 is the factor of increasing the digit of the value.

The average value of the coefficients of changes in the influence of the factor ( $\overline{k_z}$ ) is defined as the arithmetic mean value of the prognostic coefficients of changes in the influence of the factor on each of the cross-border crime types. Based on the results of the calculations, the weight coefficient of the factor influence ( $k_{vw}$ ) is determined by the formula:

$$k_{vw}(u) = \frac{\overline{k_z}(u)}{\sum_{j=1}^J \overline{k_z}(u)}, \quad (4)$$

where  $j=1$  - the first factor of cross-border crimes specific to the territory of Ukraine according to the order number from Table 2;  $J$  is the total number of factors (according to Table 2) that are calculated.

Data on future changes in PEST factors of the border region and COC obtained from the analysis at this methodology stage can help law enforcement agencies detect new and/or current cross-border crimes. Further, the parameters of OCG capacity assessment based on available and retrospective data are analyzed.

## Generalization and Analysis of OCG Capacity Assessment Parameters

According to the analysis of the collected data on organized criminal activity in the border region, the parameters of the OCG are summarized. All parameters are evaluated using the scale in Table 4.

**Table 4: Quantitative and Qualitative Scale for Expert Assessment of Parameters' Impact on the OCG Capacity and Factors' Impact on the Environment Favorability for the OCG Capacity Realization**  
(Source: Authors' work based on experts' answers)

| Parameters ( $\mathcal{A}$ ) Impact on the OCG Capacity   | Parameter quantitative and Qualitative Assessment ( $Z_p$ ) / ( $Z_q$ ) | Factors Impact ( $\mathcal{A}$ ) on the Environment Favorability for the OCG Capacity Realization  |
|---|---|--|
| The parameter does not affect the OCG capacity  | 0<br>zero   | The factor does not affect the environment's favorability  |
| The parameter does not significantly affect the OCG capacity  | 1<br>low  | The factor does not significantly affect the environment's favorability  |
| There is no information about OCG.<br>The available information does not allow for assessing the parameter impact on the OCG capacity.<br>The available information is contradictory. | 2<br>unknown  | There is no information about the factor that impacts the environment's favorability.<br>The available information does not allow for assessing the factor influencing the environment's favorability. |

|   |              |   |
|---|--------------|---|
|   |              | The available information is contradictory.                                     |
| The parameter has an insignificant (indirect) impact on OCG capacity. | 3<br>average | The factor has an insignificant (indirect) effect on the favorable environment. |
| The parameter has a significant (direct) impact on OCG capacity.      | 4<br>high    | The factor has a significant (direct) impact on the environment's favorability. |

A variant of the OCG capabilities evaluation results according to the scale in Table 4, obtained on the example of a certain border region, is presented in Table 5.

**Table 5: Parameters for Assessing the Capacities of OCG (on the example of a border region of the state)**  
(Source: Authors' research)

| No. | OCG Capacity Parameter ( $p$ )  | Evaluation  |              | Weight Coefficient ( $k_p$ ) |
|-----|---|-------------|--------------|------------------------------|
|     |   | Qualitative | Quantitative |                              |
| 1   | Numerical composition: the number of people in OCG  | low         | 1            | 0.025                        |
| 2   | Monopoly regarding the commission of a specific type of cross-border crime  | average     | 2            | 0.051                        |
| 3   | Ability to interact with other OCGs   | high        | 4            | <b>0.103</b>                 |
| 4   | Corporate cohesion: identity, trust, accessibility, interaction of its OCG members, etc   | zero        | 0            | 0                            |
| 5   | Duration of criminal activities   | average     | 2            | 0.051                        |
| 6   | Criminal activity for various types of cross-border crimes  | average     | 2            | 0.051                        |
| 7   | Stability of the OCG structure: personnel structure, integrity, self-preservation, etc.   | high        | 4            | <b>0.103</b>                 |
| 8   | Ability to oppose law enforcement agencies  | average     | 2            | 0.051                        |
| 9   | Planning character of organized crime   | average     | 2            | 0.051                        |
| 10  | Legalization of income  | high        | 4            | <b>0.103</b>                 |
| 11  | Operational flexibility and latency of crime manifestation  | average     | 2            | 0.051                        |
| 12  | Technical equipment and use of modern technical means and innovative technologies   | average     | 2            | 0.051                        |
| 13  | Availability of authorized capital, special cash fund, diversification of existing assets in non-cash offshore accounts   | unknown     | 2            | 0.051                        |
| 14  | Receiving significant profits   | high        | 4            | <b>0.103</b>                 |
| 15  | Integration into state authorities, institutions, and organizations that directly or indirectly carry out activities across the state border                    | unknown     | 2            | 0.051                        |
| 16  | Contacts with corrupt persons from state authorities, institutions, and organizations both in the country of permanent residence and in the neighboring country | high        | 4            | <b>0.103</b>                 |

In Table 5, the weight factor of the OCG capacity evaluation parameter ( $k_p$ ) is calculated as the ratio of the numerical value of the parameter to the sum of the numerical values of all OCG parameters. The OCG parameter, which has a weight value higher than 0,1, is considered significant for the development of OCG (spread of criminal activity and increase in the number of COC) in the short term.

Further, the interconnection between the parameters of OCG capabilities in the border region is analyzed. The analysis results of the OCG capacity parameters dependence are presented in Table 6 on the example of one of the border regions of the state.

In Table 6, the following designations are adopted: "0" - if it is a connection between the same parameters or it is unconfirmed (unknown); "+" - if the connection is confirmed; "-" - if there is no connection between the parameters (one parameter has no impact on another).

Further, based on the analysis of the interdependence between the parameters specified in Table 6, the strength of the connection between each of the parameters is determined ( $k_{sz}$ ) is calculated as the ratio of the numerical value of the parameter to the sum of the numerical values of all OCG parameters. As a result of the analysis of interconnections by their strength, the most important OCG parameters are revealed (the value of the connection strength is higher than 0.05), significantly influencing others and favoring the spread of COC.

**Table 6: Results of the Analysis of OCG Capabilities in the Border Region (Source: Authors' research)**

| Parameter<br>( $p$ ) | Parameter ( $p$ ) |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    | Number of<br>Interconnections | Connection<br>Strength ( $k_{sz}$ ) |
|----------------------|-------------------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|-------------------------------|-------------------------------------|
|                      | 1                 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |                               |                                     |
| 1                    | 0                 | + | - | - | 0 | + | + | - | 0 | -  | -  | -  | -  | +  | +  | +  | 6                             | 0.053                               |
| 2                    | +                 | 0 | - | + | + | 0 | + | 0 | - | -  | -  | 0  | -  | +  | +  | +  | 7                             | 0.061                               |
| 3                    | -                 | - | 0 | + | - | + | 0 | + | + | 0  | +  | -  | -  | +  | -  | +  | 7                             | 0.061                               |
| 4                    | -                 | + | + | 0 | + | + | + | + | - | -  | +  | -  | -  | -  | -  | -  | 7                             | 0.061                               |
| 5                    | 0                 | + | - | + | 0 | + | + | + | - | 0  | -  | -  | +  | +  | -  | +  | 8                             | 0.070                               |
| 6                    | +                 | 0 | + | + | + | 0 | - | - | 0 | -  | +  | +  | 0  | -  | +  | +  | 8                             | 0.070                               |
| 7                    | +                 | + | 0 | + | + | - | 0 | + | - | -  | -  | 0  | +  | -  | -  | -  | 6                             | 0.053                               |
| 8                    | -                 | 0 | + | + | + | - | + | 0 | + | -  | +  | +  | -  | -  | +  | +  | 9                             | 0.079                               |
| 9                    | 0                 | - | + | - | - | 0 | - | + | 0 | -  | +  | -  | +  | -  | -  | -  | 4                             | 0.035                               |
| 10                   | -                 | - | 0 | - | 0 | - | - | - | - | 0  | -  | -  | +  | +  | -  | +  | 3                             | 0.026                               |
| 11                   | -                 | - | + | + | - | + | - | + | + | -  | 0  | -  | -  | +  | +  | +  | 8                             | 0.070                               |
| 12                   | -                 | 0 | - | - | - | + | 0 | + | - | -  | -  | 0  | +  | +  | -  | -  | 4                             | 0.035                               |
| 13                   | -                 | - | - | - | + | 0 | + | - | + | +  | -  | +  | 0  | +  | +  | +  | 8                             | 0.070                               |
| 14                   | +                 | + | + | - | + | - | - | - | - | +  | +  | +  | +  | 0  | +  | +  | 10                            | 0.088                               |
| 15                   | +                 | + | - | - | - | + | - | + | - | -  | +  | -  | +  | +  | 0  | +  | 8                             | 0.070                               |
| 16                   | +                 | + | + | - | + | + | - | + | - | +  | +  | -  | +  | +  | +  | 0  | 11                            | 0.096                               |

### Assessment of the OCG Capabilities for the Cross-Border Crimes Committing

At this stage, the formula is used to determine the numerical value of the OCG's ability to commit cross-border crimes:

$$Q_{ozu} = \sum_{p=1}^P (k_{sz} \cdot k_p) \quad (5)$$

where  $k_{sz}$  is the value of the parameter connection strength (Table 6);  $p$  - OCG parameter (Table 5);  $P$  is the total number of parameters (Table 5);  $k_p$  - is the value of the parameter weight coefficient (Table 5).

In the following, a gradation scale is used to evaluate OCG capabilities (see Table 7), according to which, by comparing the numerical value obtained from expression (5) with the numerical values of column 1, the level is determined. The qualitative value of OCG capabilities for committing cross-border crimes in column 2 is obtained.

**Table 7: Scale of OCG's Capabilities Levels Gradation to Commit Cross-Border Crimes (Source: Authors' work based on experts' answers)**

| Quantitative Assessment of the Level of Capabilities | Qualitative Assessment of the Level of Capabilities |
|--|---|
| 1  | 2   |
| [0.0 ... 0.2)  | Very High   |
| [0.2 ... 0.37)                                       | High  |
| [0.37 ... 0.64)                                      | Average   |
| [0.64 ... 0.8)                                       | Low   |
| [0.8 ... 1.0]  | Very Low  |

Thus, based on the results of the OCG capabilities evaluation parameters analysis, the value is calculated. It determines the level of the OCG's capabilities to commit cross-border crimes in the border region. A quantitative and qualitative assessment of the capabilities level is recorded in each passport from the OCGs that commit illegal activities in the border region.

### OCG Passporting in the Border Region Specializing in Cross-Border Crimes

To establish the parameters of cross-border organized criminal activity, the passporting of OCG is of great importance. Passporting is carried out based on the generalization of OCG parameters and the specifics of its illegal activity by types of cross-border crimes in their totality. In the course of passporting, the organizational structure of the OCG is revealed with the help of methods of criminal analysis and intelligence analysis of available data on criminal activity.

Table 8 presents an extract from the passport of OCG, in particular, its specialization in illegal people transportation across the state border of Ukraine.

The card file, consisting of OCG passports, enables law enforcement agencies to compile general characteristics (description, profile) of cross-border organized criminal activity in the border region. In the future, available data on criminal activity and OCG can be used by law enforcement agencies of Ukraine to conduct a special border or international operation.

**Table 8: Extract From the Passport of an Organized Criminal Group in Terms of its Specialization in People Smuggling Across the State Border (Form Version) (Source: Authors' research)**

|   |  |
|---|--|
| <i>The Object of the Crime</i>                                    | Public relations on state sovereignty protection, the integrity, and inviolability of its borders.   |
| <i>The Subject of the Crime</i>                                   | A person who has reached the age of 16.  |
| <i>The Objective Side of the Crime</i>                            | Illegal people transportation across the state border.   |
|   | Organization of illegal people transportation across the state border.   |
|   | Management of illegal people's transportation across the state border.   |
|   | Assistance in illegal people's transportation across the state border.   |
| <i>The Subjective Side of the crime</i>                           | The guilt of a person in the form of direct intent.  |
| <i>Specifics of the Crime Composition</i>                         | Organizational activities, regardless of whether it got possible to cross the state border or not.   |
|   | Management of illegal people's transportation across the state border is considered as committed crimes (crimes with a shortened composition).                                       |
|   | Persons who carry out illegal transportation and facilitate this by providing advice, instructions, providing means, or removing obstacles are considered perpetrators of the crime. |
| <i>Illegal People Transportation Across the Border of Ukraine</i> | Actions of a person ensure the crossing (transportation, transfer, entry) of the state border by other persons.  |
|   | Actions may be committed in complicity with other subjects of the crime directly or by using persons not subjected to criminal liability according to the law.                       |



|                            |   |
|----------------------------|---|
| <i>Organization</i>        | Actions manifest in developing plans, determining the place and time of illegal transportation, finding accomplices, creating an organized group, financing, arming, etc.   |
| <i>Leading</i>             | Activity to ensure the actual transportation of persons across the state border of Ukraine, which includes: giving certain orders, arranging participants, distributing their responsibilities, etc.                                  |
| <i>Assistance</i>          | Any act that helps to carry out illegal transportation.   |
| <i>Means of Assistance</i> | Advice, guidance, provision of means, or removal of obstacles.  |
| <i>Organized Group</i>     | Three or more persons who previously organized themselves to commit crimes into a stable group according to a single plan with the division of functions of the group members aimed at achieving the plan known to the group members. |
| <i>Crime Specifics</i>     | Availability of corruption contacts.  |

## Modeling Scenarios of the OCG Illegal Activities Development by Types of Cross-Border Crimes

At this stage, the interconnection between important parameters of OCG capabilities and factors contributing to their emergence and implementation has been analyzed (see Table 9). Table 9 is formed by values calculated as follows.

For compiling the list of factors, it is advised to select from Table 3 the factors with weight coefficients of impact higher than 0.1.

To compile a list of OCG parameters, it is advised to select from Table 5 those parameters that have the value of weight coefficients  $k_p$  = "high".

Filling in columns 3-7 of Table 9 is carried out according to the results of statistical studies or using heuristic methods using numerical evaluation values (see Table 5).

**Table 9: Results of the Analysis of the Interconnections between Favorable to OCG Factors and Capabilities Parameters (Strengths) (Source: Authors' research)**

| List of Factors with $k_{fw} > 0,1$                      |                           | List of OCG Parameters with $k_p$ = "high" (from Table 5) ( $z_p$ ) |      |      |      |      | The sum of Connections ( $\gamma$ )   | The Strength of the Factor Impact ( $k_z(\gamma)$ from Table 3) | Weight Coefficient of the Factor Impact ( $k_{fw}$ from Table 3) | The Strength of the Factor Impact ( $S_{ozu}^f$ ) |
|--|---------------------------|---|------|------|------|------|---|---|--|---|
| No.  | Factor No. (from Table 2) | 3   | 7    | 10   | 14   | 16   |   |   |  |   |
| 1  | 2                         | 3   | 4    | 5    | 6    | 7    | 8   | 9   | 10   | 11  |
| 1  | 1.2                       | 3   | 2    | 3    | 3    | 3    | 14  | 0.13  | 0.12   | 0.22  |
| 2  | 2.1                       | 2   | 2    | 1    | 3    | 2    | 10  | 0.49  | 0.25   | 1.23  |
| 3  | 2.2                       | 2   | 2    | 1    | 2    | 3    | 10  | 0.39  | 0.22   | 0.86  |
| 4  | 3.1                       | 2   | 3    | 4    | 4    | 4    | 17  | 0.27  | 0.15   | 0.69  |
| 5  | 3.2                       | 2   | 1    | 1    | 1    | 4    | 9   | 0.57  | 0.21   | 1.08  |
| 6  | 4.2                       | 3   | 2    | 2    | 2    | 2    | 11  | 0.29  | 0.12   | 0.38  |
| The Sum of Connections ( $\gamma_p$ )                    |                           | 14  | 12   | 12   | 15   | 18   | The favorability of factors for the realization of the capabilities of an OCG is 4.45 |   |  |   |
| Strength of Connection ( $k_{sz}$ from Table 6)          |                           | 0.06  | 0.05 | 0.03 | 0.09 | 0.10 |   |   |  |   |
| Weight Coefficient ( $k_p$ from Table 4)                 |                           | 0.1   | 0.1  | 0.1  | 0.1  | 0.1  |   |   |  |   |
| The Strength of the OCG Parameter Impact ( $S_{ozu}^p$ ) |                           | 0.09  | 0.06 | 0.03 | 0.13 | 0.17 | OCG capacity is 0.49  |   |  |   |

In the line for each factor, the values of the quantitative assessment of the parameters are indicated (see Table 5), which characterize the impact of the factor on the development of OCG capabilities according to each parameter.

The value of the parameter connection strength ( $k_{sz}$ ) is taken from Table 6.

The value of the sum of parameter connections by factor is calculated:

$$Y_f = \sum_{f=1}^F z_f \quad (6)$$

The value of the factor impact strength on OCG is calculated:

$$S_{ozu}^f = Y_f \cdot k_z(w) \cdot k_{vw} \quad (7)$$

The total impact strength of the development factors of the strengths of OCG is the sum of the values  $S_{ozu}^f$  for each factor (column 11, Table 9).

The formula calculates the sum of connections ( $Y_p$ ) of OCG parameters:

$$Y_p = \sum_{p=1}^P z_p, \quad (8)$$

where  $z_p$  is the numerical value of the sum of connections for each OCG parameter with  $k_p =$  "high" (columns 3,...,7).

The formula calculates the OCG parameters' impact strength:

$$S_{ozu}^p = Y_p \cdot k_{sz} \cdot k_p \quad (9)$$

The capacity of the OCG, according to strong parameters, to commit cross-border crimes is the sum of the values  $S_{ozu}^p$  for each of the parameters of the OCG (columns 3,...,7).

According to the results of the calculations, the following values were obtained:

- the favorability of the factors regarding the OCG strengths development is 4.45;
- the capacity of OCG under strong parameters to commit crimes is 0.49.

For each OCG in the border region, a separate development scenario is modeled according to the types of cross-border crimes according to passporting data. The general idea of such a scenario, for example, the cross-border crime "smuggling of people across the state border", is shown in Figure 2 in a matrix form. The scenario of the organized criminal activity development in the border region is a total of simulating factors and OCG parameters (see Table 10).

Table 10: Matrix of Favorable Factors and Parameters of OCG (Source: Authors' research)

| Factors with $k_{vw} > 0.1$ | OCG Parameters with $k_p = \text{"high"}$ |   |    |    |    |
|-----------------------------|---|---|----|----|----|
|                             | 3   | 7 | 10 | 14 | 16 |
| 1.2                         | 3   | 2 | 3  | 3  | 3  |
| 2.1                         | 2   | 2 | 1  | 3  | 2  |
| 2.2                         | 2   | 2 | 1  | 2  | 3  |
| 3.1                         | 2   | 3 | 4  | 4  | 4  |
| 3.2                         | 2   | 1 | 1  | 1  | 4  |
| 4.2                         | 3   | 2 | 2  | 2  | 2  |

### Selection of Measures Variants to Combat COC by Targeted Impact on OCG

At this stage, the complex of measures regarding the impact on the OCG is determined based on the results of the data analysis from Table 10 due to the impact on the factors and parameters of the OCG. In the following, based on the results of the calculations at stage 6, a graphical analysis of the OCG illegal activities development scenarios is carried out (Figure 2).

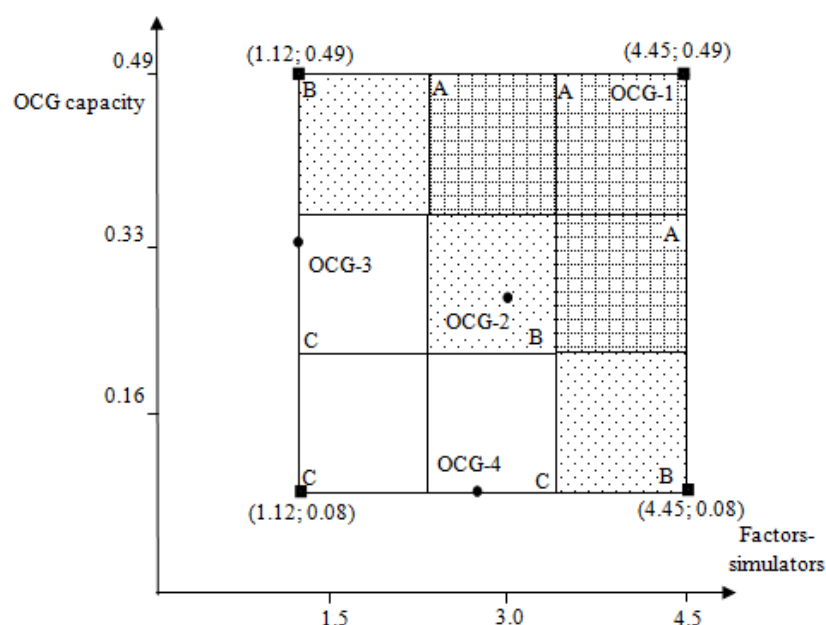


Figure 2: Graphical Analysis of Scenarios of the OCG Illegal Activities Development (Source: Authors' research)

In the conditions of the example shown in Figure 2, 4 OCGs are operating in the border region. According to the calculations shown in Table 9, the value of the OCG-1 scenario development is marked with a dot (0.49; 4.5). Similar calculations are made, and values are marked for other OCGs. A strategy field is formed within the given designations of the 4 OCGs development scenarios, the sectors of which are marked according to the corresponding index: "A" - the level of threat to border security from the OCG - high, "B" - average, and "C" - low.

The strategy of combating COC in the border region of the state consists in categorizing a set of measures to influence OCG, which in the conditions of the example shown in picture 2 provides:

- for OCG-1 (category of sector "A") - a complex of anti-crisis measures of rapid (operational) intervention according to standard plans following the critical situation;
- for OCG-2 (category of sector "B") - a complex of anti-crisis measures of the border operation to neutralize threats;
- for OCG-3 and OCG-4 (category of sector "C") - a set of other regime and control measures to strengthen the protection of the state border.

At the same time, measures to ensure the sustainable development of the border security system in everyday life should be a special part of the strategy for countering cross-border organized crime.

So, according to the description of the above stages, the method of forming a strategy for combating COC in the state's border region has been presented. This technique provides an opportunity to determine the priorities and measures options to combat COC according to the targeted impact on each of the OCGs, which is necessary for the targeted application of existing and the formation of new capabilities of law enforcement agencies.

## CONCLUSION

A methodology containing a new complex of logically consistent and interconnected techniques and methods intended for a comprehensive analytical study of organized criminal activity and OCG, specializing in the cross-border crimes committed in the state's border region, has been developed.

The methodology implementation results in a well-grounded strategy of an appropriate complex of special measures to combat cross-border organized crime in the state's border region. The strategy includes a complex of the following measures:

- rapid (operational) interventions in critical situations - case of a critical situation;
- anti-crisis measures of the border operation to neutralize threats - for threats neutralization;
- additional regime and control measures to strengthen the protection of the state border - for strengthening the state border protection;
- standard planned and preventive measures - in everyday mode;
- measures of sustainable development of the border security system - on an ongoing basis.

The practical implementation of the strategy enables state law enforcement agencies to employ available resources more efficiently, resulting in a more cost-effective and targeted approach to combatting cross-border organized crime in the state's border region. In the ongoing scientific research on combating organized crime, it is advisable to develop a methodology that provides a rationale for a comprehensive set of measures to eliminate international channels of criminal activity.

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# THE REGIONAL DIMENSION OF CORRUPTION RISKS IN THE CZECH REPUBLIC IN THE LIGHT OF DECENTRALIZATION

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**Abstract:** *The article elucidates the relationship between decentralization and corruption risks in the Czech Republic. Economic inequality in the regions inevitably leads to corruption risks. The unemployment rate and the wage level determined the fragmentation of the Czech regions. Most Czech regions (8 out of 14) have an average unemployment rate (of 3-5%). The capital Prague (44 thousand korunas), as well as the Central Bohemian Region (35 thousand korunas), significantly differ from the rest of the Czech regions in wage level (within 31-32 thousand korunas). If the Czech regions are similar in the unemployment rate, there is a noticeable stratification between the capital and other regions. The findings of an expert survey among civil servants and deputies of regional Assemblies identified corruption and anti-corruption measures in the regions. The sphere of public administration is the most corrupt. Partially corrupt is the provision of administrative services. The greatest corruption risks result from the employees' influence on funding sources (grants, subsidies and grants). On a 10-point scale, the average corruption in the regions is 5,8. More research prospects derive from studying corruption risks at the regional rather than national levels and expanding the geographical framework of the transition countries under research.*

**Keywords:** *Corruption Risks; Decentralization; Regionalization; Unemployment Rate; Wage Level*

## INTRODUCTION

Decades of socio-economic transformations in post-socialist countries still yield diverse outcomes. Thirty years after the “socialist commonwealth” collapsed, some countries stood out due to the best economic development dynamics or demonstrated significant problems that hindered that development. The central government’s ability to ensure real, local fiscal autonomy and the attending corruption risks were criteria for successful post-socialist reforms. On the one hand, significant institutional corruption hindered the formation of transparent budgets and credit systems, thus slowing down economic growth in the country. On the other hand, restricting measuring corruption exclusively to the national level does not offer an objective picture of corruption risks. Each region has inherent economic processes. Therefore, decentralization directly impacts the level and spread of corruption risks as a model of fiscal autonomy of regions.

Regarding economic transformation, the Czech Republic was a leader among other post-socialist countries. Strengthening regional autonomy in forming financial and budgetary systems reinforced its progress. Despite the positive economic growth dynamics, the country failed to solve corruption-related problems after joining the European Union (EU). Corruption risks attended to a top-down delegation of managerial competencies and the expansion of economic freedom in the regions. Post-socialist countries had been corruption-prone, which negatively

affected local fiscal policy efficiency. Studying corruption in the regions will provide a more objective picture of the real state of corruption risks associated with microeconomic indicators than a thorough analysis of the country and various ratings.

## LITERATURE REVIEW

### Theoretical Framework

In the late 1990s, countries with transitive economies prioritized decentralization reform. Before the countries with the steadiest economies joined the European Union in 2004, the World Bank had continually encouraged deepening decentralization and supporting regions (World Development Report 1999). In its turn, the transitivity of the economy has influenced the course of the decentralization reform. Unstable economic structures, the central government's reluctance to implement decentralization, and a high level of corruption in post-socialist countries (the late 1990s - early 2000s) resulted in three indispensable components of decentralization: (1) delegation of administrative authorities from the center to the regions, (2) prompt and high-quality provision of administrative services in service centers, and (3) effective (profitable) business management in local communities (Bardhan 2002).

Each decentralization component is corruption-prone. In the case of administrative powers delegation, the post-socialist leaders tended to avoid delegating their powers to local authorities, e.g., in the Czech Republic, decentralization reform became a matter of hot political debate during the 1990s. The central government was reluctant to decentralize the administrative system for various reasons, like internal political conflicts between supporters of subsidiarity (Vaclav Havel) and the centralized management model (Vaclav Klaus), the government's understanding of the decentralization reform as redundant compared to the need to stabilize the economy, fears of the historical separatism in certain regions (Yoder 2003, 275-279). Also worth mentioning is the inequality of economic resource distribution between the capital city of Prague and other regions, which is likely to result in lobbying for the capital's interests at the Government level and, respectively, mass discontent in the regions. On the other hand, the local authorities supported decentralization since the regional elite became aware of the real opportunities to improve their political positions (or the personal power of individual local politicians). The regional political elite in the Czech Republic became institutionally stronger after the first elections to the Regional Assemblies in 2000.

Eventually, the delegation of powers to the regions will lead to transferring a considerable amount of authority in the field of financial and budgetary policy from the center. The Regions can achieve financial autonomy only after regional authorities get broad competence in matters of expenditures and revenues, enabling the formation of an effective taxation system or facilitating a favorable environment for business activities. Regarding corruption risks, the tax system transparency, control (audit) of the financial activities (reporting) of regional authorities, and lobbying of the interests of local business circles at the regional political level come to the fore. Despite the decentralization reform in the Czech Republic, supporting small and medium-sized businesses have always been the government's priority. To get financial support from European funds, the government develops seven-year strategies considering the peculiarities and differentiation of Czech regions (Strategy 2021-2027).

The level of competition between the regions regarding the production of goods and provision is vital for the success of the decentralization reform. The broad regional financial and budgetary autonomy balances the quality of goods and services the state provides, and the amount of tax business companies pay (Breton 1998). A transparent tax system and clear game rules are always at the heart of any competition. The local political elite must compromise with business structures to eliminate corruption risks, for such consensus consolidates economic transformations at the political level.

Decades-long decentralization reform in post-socialist countries has proven its complexity and broader scope beyond merely economic transformations. On the other hand, the economic component accounts for the need to implement decentralization. National economies cannot develop irrespective of global economic processes. However, several waves of global financial crises did not seriously affect the overall stability of financial systems in the regions (Ehtisham and Brosio 2015). Under effective fiscal decentralization, the negative impact of global economic processes decreases.

Notably, decentralization is neither search for a balanced tax policy in the regions nor prospects for local governments to control revenues and expenses in their budgets. The effective funding system in the Central European countries rests on four components, namely (1) the decentralization-fit administrative and territorial division of the country (following the territorial reform of the country, based on the interests of local communities), (2) effective horizontal relations between different levels of the region or within the community (based on the autonomy of each level), and (3) independence of the government from financial revenues from the regions, and, on the contrary, the institutional ability of local governments to conduct financial and budgetary policy autonomous from the state, and the share of the local communities' finances in the national GDP (income and expenses) (Swianiewicz 2014).

The Czech Republic went through a difficult transitional period of economic development and suffered from various manifestations of a fairly high corruption level. The transition period and institutional foundations for fiscal decentralization have led to multiple corruption risks. We should also highlight the issue of the "moral choice" of politicians (managers) in the conditions of transitivity (Martinkovič 2016, 39). The negative outcome of corruption is primarily the low efficiency of fiscal decentralization, which hampers economic growth (Martinez-Vazquez and McNab, 2003, 1606-1607). Due to several factors, the higher the corruption levels at the central level, the more likely the corruption threats at the local one: (a) the decisive impact of local elites (including business circles) on decision-making, (b) broad authorities of local councils in fiscal and budget policy, and (c) the eventual "blurring" of the line between a local official (bureaucrat) and a traditional politician (Martinez-Vazquez and McNab 2003, 1606).

The direct negative impact of corruption is the biased allocation of public investment and the irrational provision of grants and subsidies. Small and medium-sized enterprises of various forms of ownership find it hard to operate, for corrupt practices deteriorate the competitive environment, prevent enterprises from accessing financial sources and, as a result, negatively affect the dynamics of national economic growth. In transition countries or countries implementing decentralization reform, corruption in public administration directly affects the

structure of taxes. For example, government corruption increases the segment of indirect tax revenues (Tanzi and Davoodi 2000, 21-22; Hajdini, Collaku, and Merovci 2023).

We share the opinion of Vito Tanzi and Hamid Davodi (2000, 22) that it seems threatening to constantly pursue an increase in public investment in modern economies. In transitive countries with a high level of corruption, increasing government investment will contribute to a negative "corruption background". In addition, decentralization considerably expands fiscal and budgetary autonomy in the regions, leading to additional unforeseen corruption risks. Interestingly, there is one more aspect to the correlation between the corruption level and the degree of public administration decentralization. Modern methods measure the corruption level globally, paying little attention to the regional peculiarities of corruption risks. Czech scholars Veronika Linhartová and Jolana Volejníková (2015) proposed a comprehensive approach to empirical calculations of corruption in the Czech regions. Furthermore, it is important to emphasize the necessity of considering corruption risks within the Czech Republic, specifically focusing on the country's various regions.

## MATERIAL AND METHODS

Given the much research into various aspects of decentralization's impact on the spread of corruption risks, conducting another applied case study of the Czech Republic seems appropriate. Our main objective is to determine the fragmentation of the Czech regions under decentralization by the level of corruption. The outlined objective defines the priority directions of the present research:

(1) Explaining the correlation between the corruption level and decentralization processes. Normative and empirical decentralization significantly differ. In practice, decentralization reform in post-socialist countries brought about multiple institutional problems, such as the government's reluctance to delegate powers to the regions, the oligarchization of local elites, the imperfect legal basis of decentralization, and economic differentiation in the development of the regions. As a result, these factors aggravated both the old (the post-socialist past-related) and new (related to the ambiguity of decentralization) corruption risks.

(2) Analyzing the unemployment rate and average wages in the regions of the Czech Republic to identify corruption risks. Since 2000, decentralization has been completed in the Czech Republic. The thirteen regions and the capital city of Prague show a drastic economic differentiation (Prague, the Central Bohemian Region, and the rest of the country). We determine the degree of corruption threats in the Czech Republic based on the unemployment rate figures and the average wages.

(3) Interpreting the level of corruption risks in the Czech regions. Experts can provide an objective picture of corruption in the regions. In this case, it is the persons involved in regional administration. Public officials and deputies of regional assemblies in the Czech Republic identify public administration as potentially the most corruption-prone area. Accordingly, both the country and regions should devise an anti-corruption strategy.

According to the defined objective and research tasks, we attempted to explain the phenomenon of "regional corruption" in the modern Czech Republic. Comparative analysis of the unemployment rate and wages identifies potential corruption threats in all 14 Czech regions

(Regions - Czech. *Kraje*) (methodology by Bechir Bouzid, Caroline van Rijckeghem, and Beatrice Weder). The second methodological stage was to conduct an expert survey among civil servants and deputies of regional Assemblies (Czech - *Zastupitelstvokraje*). An expert survey on corruption issues was conducted from May 31 to June 25, 2021, in all regions of the Czech Republic.

## RESULTS AND DISCUSSION

### Welfare and Corruption Risks in the Czech Regions

Various corruption-related economic indicators, such as the correlation between unemployment figures and corruption threats, add to the fragmentation of the regions in the Czech Republic (Bouzid 2016). We should discuss the biased resource allocation that diminishes competition in production and the labor market. Transparency International's World Corruption Monitoring Experts define major corruption manifestations in economic growth and the inequality spread: (a) the destructive impact of corruption on the positive dynamics of economic growth and business environment efficiency, (b) the significant role of corruption in social and economic inequality and income distribution, and (c) the negative impact of corruption on the public administration transparency (Transparency International 2014).

Corruption tends to affect economic growth negatively. Firstly, the corruption level and the pace of economic growth are interrelated, or more precisely, the more widespread the corruption, the less the economic growth. For example, at the empirical level, a 1% decrease in corruption leads to an increase in GDP by 1-1.3% (Abed and Hamid 2000). Secondly, corruption directly affects the degree of inequality in society, significantly reducing competition and rational mechanisms for allocating resources and profits. The higher the corruption level, the worse the well-being of most citizens. Respectively, it will lead to such phenomena as growing unemployment and poverty. However, each region has peculiarities, so we will attempt to determine the Czech regions' fragmentation by the unemployment rate among working-age people (Figure 1).

Corruption also results in the citizens' income-related issue of inequality. Changing the "rules of the game" in allocating available resources to circumvent the regulatory requirements deepens economic inequality. Corruption substantially reduces citizens' entrepreneurial activity and slows the dynamic economic behavior of the population, thus decreasing the level of welfare at both individual and group levels. Large corrupt practices at the highest state level are the most complex phenomenon induced by the existing political environment. Another aspect of corruption directly related to citizens' income is the interdependence between the wage rate and, in fact, corruption. We will showcase this on the example of civil servants. The economic "panacea" in the fight against corruption is raising the official income of civil servants. The higher and more transparent the salary of civil servants, the fewer the corruption risks. Simultaneously, this trivial rule is not always applicable. Caroline Van Rijckeghem and Beatrice Weder (2001) argue that reducing corruption risks is achievable in the case of a radical rather than a minor pay rise for civil servants. The wage rate determines not only the welfare of citizens but also potential corruption risks.





Figure 1: The Unemployment Rate in the Regions of the Czech Republic among the Age Group of 15-64 (in %, as of 31.05.2020) (Source: Authors' depiction, based on the Czech Statistical Office data using the model map from *Informační web územního plánování*)

Figure 2 shows the fragmentation of the Czech regions by the wage rate.



Figure 2: The Average Gross Wage Value in the Regions of the Czech Republic (in the Czech korunas, the first quarter of 2021) (Source: Authors' depiction, based on the Czech Statistical Office)



Unemployment and wage rate are important economic indicators that underlie the corruption channels. The fragmentation of the regions of the Czech Republic is particularly conspicuous when we compare the current unemployment figures and wage rates. The unemployment rate in the Czech Republic displays that there are no systemic problems. The unemployment figures range from 2 to 5%, compared to the national average, where unemployment among the working population is 3.85. Thus, despite the differences in the unemployment rate, the country's regions are typical, with no serious deviations.

### **Expert Opinion on Corruption and Anti-Corruption in the Czech Regions**

From May 31 to June 25, 2021, we conducted an expert sociological survey of the local political elite in the regions of the Czech Republic to discuss corruption problems. It is worth highlighting several features of this survey.

Firstly, the Covid-19 pandemic allowed us to conduct it exclusively remotely. We utilized a specialized online platform, "Survio", as a methodological tool. Each respondent was guaranteed absolute anonymity.

Secondly, the survey is qualitative (expert), not quantitative. We endeavored to embrace all regional deputies. Its random sample includes 740 deputies of regional Assemblies (*Zastupitelstvokraje*), elected in the last regional elections in October 2020 and the elections to the Prague Assembly in October 2018.

In the first stage, respondents were suggested to identify factors that reduce corruption at the national (within the Czech Republic) and regional (within the specific region represented by the respondent) levels. The questionnaire was formulated to emphasize the overall Czech intention to reduce corruption and emphasize its anti-corruption progress. Respondents voted for all the proposed options, although amongst the most common factors that significantly reduced corruption, they mentioned "corruption scandals with politicians", "the Czech Republic's accession to the European Union", the "civil service reform" and "law enforcement activities" options proved less popular. In contrast, only two experts voted for the "decentralization of power" option. That is, decentralization is hardly seen as a reform that contributed to the decline of corruption throughout the country or in a particular region. Corruption-reducing factors are either external (the influence of the EU and the introduction of the anti-corruption strategy in line with European standards and requirements) or internal (political scandals, which were abundant in the Czech Republic). We should mention the scandals around Prime Minister Stanislav Gross in 2005, those close to the Government of Petr Nečas in 2013, or "corruption motives" during Prime Minister Andrej Babiš's term in 2017-2018.

Respondents were further asked to identify the areas of the most corruption-prone public servants' activities. Each respondent had to choose at least three answers. Eventually, there was not a single option that the respondents had not chosen. The respondents saw corruption risks in the potential impact of public servants on the terms of funding (grants, subventions, and subsidies). The corrupt-prone activities of public servants also included unauthorized disclosure of information (e.g., bidders) and bonuses. The least corruption-prone activities included civil servants' changing conditions for granting benefits and their impact on

the audit results. Consequently, all fields of public servants' activities were chosen (mostly control powers of civil servants).

Further, the survey asked to identify a range of effective anti-corruption tools. From the viewpoint of half of the respondents, improving anti-corruption legislation proved to be the most effective anti-corruption tool. Another third of respondents supported restricting direct contact between citizens and officials due to e-government. Only two respondents favored "increasing the punishment for corruption of officials" and "taking preventive measures to prevent corruption in government and among the population". These measures of direct anti-corruption work with civil servants (increasing their responsibility for corrupt practices or preventive measures) are ineffective. Notably, none of the respondents supported raising payments to civil servants as a financial tool to reduce corruption risks.

Finally, respondents were asked to estimate the overall corruption level in their region. Two-thirds of the respondents mainly estimated corruption levels as neither high nor low. Only a few respondents described their regions as having a "very high level of corruption" and "no corruption". The respondents proceeded with quantifying the corruption level in their region, where 0 meant no corruption, and 10 was the highest corruption value. None of the respondents chose polar values of 0 or 10, corruption being mostly rated 4-5 or 8. The average corruption value at the regional level is 5.8. Quantitatively, respondents estimated the average level of corruption to be slightly over the conventional 50%.

## CONCLUSION

Corruption has long hampered economic growth in the regions and aggravated economic inequality through unemployment and wage differentiation. As we can see, the decentralization reform contributes to the regions' institutional autonomy in fiscal policy matters and leads to multiple corruption risks. Primarily, it concerns regional authorities' bureaucratization, biased allocation of state transfers, declining competition in small and medium-sized businesses, increasing indirect tax revenues, and state subsidies to the regions.

In the Czech Republic, regions differ in unemployment figures and wage rates. In terms of the former, most of the Czech regions belong to the group of "moderate" regions with 3-5% unemployment. In the latter case, there is a cleavage between the capital Prague, the Central Bohemian Region, and the rest of the regions. Bechir Bouzid, Caroline van Rijckeghem, and Beatrice Weder argue that the existing corruption risks in the regions of the Czech Republic are immanent in a transit country and do not pose any institutional threats.

The major economic indicators seriously affect the spread of corruption risks. Prague noticeably surpasses other regions regarding the unemployment rate (average indicator) and gross wages (absolutely the best indicator), with the highest number of corruption crimes. On the other hand, the Vysocina region, with the lowest number of corruption crimes, illustrates one of the lowest unemployment rates and low gross wages. Having analyzed the expert survey questionnaires received, we can draw three main conclusions on corruption risks in the regions of the Czech Republic.

Firstly, the theme of corruption is relevant at the regional level, yet the deputies of the regional Assemblies seemed hesitant to discuss those issues. Secondly, during the 1990s, the

then-post-socialist Czech Republic prioritized the country's EU integration. EU accession in the mid-2000s, among other things, reduced corruption in the entire country and particular regions. Thirdly, the local political elite estimates the corruption level in the regions as "average".

In the future, it is deemed appropriate to further explore corruption in transition countries by shifting the focus from the national level and analyzing corruption threats at the regional level. This approach will offer a more objective understanding of the reasons behind the emergence and proliferation of corruption risks throughout the country.

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### **Statement of Human Rights:**

This article does not contain any studies with human participants performed by any authors.

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# DIGITAL SOFT POWER DIPLOMACY: THE CASES OF GERMANY, ITALY, AND SPAIN IN THE COUNTRIES OF EASTERN PARTNERSHIP AND CENTRAL ASIA

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**Abstract:** *The main objective of this article was to examine how Germany, Italy and Spain practice digital public diplomacy in Eastern Partnership and Central Asia countries in 2022, i.e., how they promote their countries through their embassies' Facebook profiles. Three research questions posed by the authors were: 1) Which social networks and applications have embassies of Germany, Italy, and Spain used in the countries of Eastern Partnership and Central Asia to inform and communicate with different audiences?; 2) Which soft power tools were dominantly communicated by the German, Italian, and Spanish embassies on Facebook profiles in countries of Eastern Partnership and Central Asia during 2022 to promote their own countries?; and 3) Are digital diplomacy tools of Germany, Italy, and Spain, that they utilize to promote their own countries and communicate with the public of Eastern Partnership and Central Asia, following their foreign policy focus? The authors have used quantitative content and thematic analysis to answer these questions. The results were presented with the use of descriptive statistics. The authors' findings indicated that digital diplomacy 2.0 is standard practice for Germany and Italy in Eastern Partnership and Central Asia. Less information was available regarding Spain's digital diplomacy efforts. The research's findings further demonstrated that Germany and Italy exhibit greater interest in the Eastern Partnership and Central Asian countries compared to Spain, which was concordant with their foreign policy focuses.*

**Keywords:** *Soft Power; Digital Diplomacy; Germany; Italy; Spain; Eastern Partnership; Central Asia*

## INTRODUCTION

In the digitally connected 21 century, communication has transformed beyond measure. Namely, the focus is no longer primarily on information but on the stories with “the most compelling narrative” that “win the day” (Copeland 2013, 1). Due to this transformation, public diplomacy has also transformed, at least regarding the means the state uses to promote itself to other states. There is a consensus among academics and policymakers that ministries of foreign affairs and other foreign services need to transform as well to follow this trend and adopt “digitally-based systems of data creation, transmission, and storage using the internet, social media platforms, computers, and a variety of wireless electronic devices” (Copeland 2013, 1).

The main objective of this research is to find out how EU powers, Germany, Italy, and Spain, practice public diplomacy in Eastern Partnership and Central Asia countries in 2022, i.e., how they communicate with citizens of mentioned countries through Facebook profiles of their embassies.

This research will try to address the following research questions:



RQ1: Which social networks and applications do the embassies of Germany, Italy, and Spain use in countries of Eastern Partnership and Central Asia to inform and communicate with different audiences?

RQ2: Which soft power tools were dominantly communicated by the German, Italian, and Spanish embassies on Facebook profiles in countries of Eastern Partnership and Central Asia during 2022 to promote their own countries?

RQ3: Are digital diplomacy tools of Germany, Italy, and Spain that they utilize to promote their own countries and communicate with the public of Eastern Partnership and Central Asian countries following their foreign policy focuses?

We used quantitative content analysis (Holsti 1969; Neuendorf 2002; Riffe et al. 2014) to analyze the posts on embassies' Facebook profiles and thematic analysis (Boyatzis 1998), while the results were subsequently presented using descriptive statistics.

## THE ROLE OF SOFT POWER AND DIGITAL TOOLS WITHIN PUBLIC DIPLOMACY

Paul Sharp claims that public diplomacy is "the process by which direct relations with people in a country are pursued to advance the interests and extend the values of those being represented" (cited in Melissen 2005, 106). One of the roles of public diplomacy in international relations is to brand the country and its' people. This is done by promoting the country through its natural riches, people, culture, art, historical heritage, and sport, and the country's economy and commercial brands. The main aim of public diplomacy is to thoughtfully manage communication with the target audiences in other states, trying to inform them and shape their opinions.

Joseph Nye (2011; 2013), next to the more classical forms of power, such as military and economic power, which he defined as hard power, identified the ideological-cultural form, which he defined as soft power. He further concluded that despite its undeniable importance, policymakers frequently disregard the significance of soft power. Soft power is quite important when a country tries to convince, rather than force, other countries to do something (Nye 2011). The main aim of soft power in diplomacy is to shape opinions and preferences of aimed targets by creating attraction. Opinions of others in this way are shaped by attractiveness and argument rather than force or threats (Nye 1990; Nye 2008). In "international politics, they are the values a country expresses through its culture, internal practices and policies, and how it handles its relations with others" (Car, Kos-Stanišić, and Viduka 2016, 1215).

The development of digital technologies also transformed diplomatic communication, transferring it to digital communication platforms such as social media and social networks.

Therefore, it is argued by some that the availability of new digital platforms has influenced how public diplomacy works (Hayden 2018, 1). Foreign policymakers now face a new challenge - accepting new communication technologies as forms of public action that impact how foreign policy strategies are created and executed internationally. These new ways of diplomatic communication have been dubbed digital diplomacy (Hayden 2018). Some scholars distinguish two levels of said digital diplomacy - in the first place, the one that is conducted by the foreign ministries, and later that is conducted by the embassies stationed all over the globe (Manor and Segev 2015). Scholarly papers that focus on the phenomena that have been dubbed

"digital diplomacy 2.0", namely on the manners in how social networks and social media are being utilized in diplomacy, lead Kos-Stanišić and Car (2021, 118) to conclude that "public diplomacy that utilizes the World Wide Web (www) only, could be considered as the 'digital diplomacy 1.0'". Alas, it must be said that the diplomatic apparatus has not been quick to adopt new digital information and communication platforms. Conventional diplomatic means are still in place, contrary to the soothing effects of digital diplomacy that promote transparency, accountability, and more effective and faster interactions between states.

## **AN OVERVIEW OF EU POLICY TOWARDS COUNTRIES OF EASTERN PARTNERSHIP AND CENTRAL ASIA**

The European Neighborhood Policy (ENP) represents a foreign policy framework created in 2004, whose goal is to bring the EU closer to neighboring countries and develop partnership relations in priority areas such as economic development, security, migration, and mobility. The EU is aware that all countries covered by the neighborhood policy are not equally interested in all aspects of the relationship, so the focus is on areas where the interests of the EU and neighboring countries coincide. Neighboring countries can have more favorable access to the EU's market, EU programs, and financial support (Easa.europa.eu 2021). The Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) are one of the ENP initiatives<sup>1</sup> to "strengthen and deepen the political and economic relations between the EU, its Member States and the partner countries" and to increase "the stability, prosperity, and resilience of the EU's neighbors" (Easa.europa.eu 2022a).

Central Asian (Kyrgyzstan, Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan) countries are not covered by ENP but are also important for the EU, which aspires to have a stronger partnership with them. The main reason is their geopolitical location "of the bridge" between Asia and Europe, rich with energy resources, the potential of the markets, and the role of Central Asia in regional security (Easa.europa.eu 2022b). EU has three goals in Central Asia: partnering with Central Asian states and societies for resilience, partnering for prosperity, and supporting regional cooperation in Central Asia (Easa.europa.eu 2022c).

The EU has delegations in all 11 Eastern Partnership and Central Asia countries, but not all EU Member States have embassies in the mentioned countries (Table 1 and Table 2).

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<sup>1</sup>ENP regional and multilateral cooperation initiatives include: Eastern Partnership; Renewed Partnership with the Southern Neighbourhood; New Agenda for the Mediterranean; Union for the Mediterranean; Black Sea Synergy; Northern Dimension; EU Arctic Policy; Cross Border Cooperation (CBC) (Easa.europa.eu 2022d).

**Table 1: EU Embassies in Eastern Partnership (Source: Authors' depiction)**

| Country | Armenia | Azerbaijan | Belarus | Georgia | Moldova | Ukraine |
|---------|---------|------------|---------|---------|---------|---------|
| AT      | 0       | 1          | 1       | 1       | 1       | 1       |
| BE      | 0       | 1          | 0       | 0       | 1       | 1       |
| BG      | 1       | 1          | 1       | 1       | 1       | 1       |
| HR      | 0       | 1          | 0       | 0       | 0       | 1       |
| CY      | 0       | 0          | 0       | 0       | 0       | 1       |
| CZ      | 0       | 1          | 1       | 1       | 1       | 1       |
| DK      | 0       | 0          | 0       | 1       | 0       | 1       |
| EE      | 0       | 1          | 1       | 1       | 0       | 1       |
| FI      | 0       | 0          | 0       | 0       | 0       | 1       |
| FR      | 1       | 1          | 1       | 1       | 1       | 1       |
| DE      | 1       | 1          | 1       | 1       | 1       | 1       |
| GR      | 1       | 1          | 0       | 1       | 0       | 1       |
| HU      | 0       | 1          | 1       | 1       | 1       | 1       |
| IE      | 0       | 0          | 0       | 0       | 0       | 1       |
| IT      | 1       | 1          | 1       | 1       | 1       | 1       |
| LV      | 0       | 1          | 1       | 1       | 0       | 1       |
| LT      | 1       | 1          | 0       | 1       | 1       | 1       |
| LU      | 0       | 0          | 0       | 0       | 0       | 0       |
| MT      | 0       | 0          | 0       | 0       | 0       | 0       |
| NL      | 1       | 1          | 1       | 1       | 0       | 1       |
| PL      | 1       | 1          | 1       | 1       | 1       | 1       |
| PT      | 0       | 1          | 0       | 0       | 0       | 1       |
| RO      | 1       | 1          | 1       | 1       | 1       | 1       |
| SK      | 0       | 1          | 1       | 1       | 0       | 1       |
| SI      | 0       | 0          | 0       | 0       | 1       | 1       |
| ES      | 0       | 0          | 0       | 0       | 0       | 1       |
| SE      | 1       | 1          | 1       | 1       | 0       | 1       |

**Table 2: EU Embassies in Central Asian Countries (Source: Authors' depiction)**

| Country | Kyrgyzstan | Kazakhstan           | Tajikistan | Turkmenistan | Uzbekistan |
|---------|------------|----------------------|------------|--------------|------------|
| AT      | 1          | 0                    | 0          | 0            | 0          |
| BE      | 1          | 0                    | 0          | 0            | 0          |
| BG      | 1          | 0                    | 0          | 0            | 1          |
| HR      | 1          | 0                    | 0          | 0            | 0          |
| CY      | 0          | 0                    | 0          | 0            | 0          |
| CZ      | 1          | 0                    | 0          | 0            | 1          |
| DK      | 0          | 0                    | 0          | 0            | 0          |
| EE      | 1          | 0                    | 0          | 0            | 0          |
| FI      | 1          | 0                    | 0          | 0            | 0          |
| FR      | 1          | 1                    | 1          | 1            | 1          |
| DE      | 1          | 1                    | 1          | 1            | 1          |
| GR      | 1          | 0                    | 0          | 0            | 0          |
| HU      | 1          | 0                    | 0          | 0            | 1          |
| IE      | 0          | 0                    | 0          | 0            | 0          |
| IT      | 1          | 1<br>(in Uzbekistan) | 0          | 0            | 1          |
| LV      | 1          | 0                    | 0          | 0            | 1          |
| LT      | 1          | 0                    | 0          | 0            | 0          |
| LU      | 0          | 0                    | 0          | 0            | 0          |
| MT      | 0          | 0                    | 0          | 0            | 0          |
| NL      | 1          | 0                    | 0          | 0            | 0          |
| PL      | 1          | 0                    | 0          | 0            | 1          |
| PT      | 1          | 0                    | 0          | 0            | 0          |
| RO      | 1          | 0                    | 0          | 1            | 1          |
| SK      | 0          | 0                    | 0          | 0            | 0          |
| SI      | 1          | 0                    | 0          | 0            | 0          |
| ES      | 1          | 0                    | 0          | 0            | 0          |
| SE      | 1          | 0                    | 0          | 0            | 0          |

## GERMAN, ITALIAN, AND SPANISH POLICIES TOWARDS THE COUNTRIES OF EASTERN PARTNERSHIP AND CENTRAL ASIA

After their independence, Germany has forged official diplomatic relations with Eastern Partnership Countries (EPC) and has embassies in all mentioned countries. However, since the early 2000s, Berlin's relationship with those countries has been lukewarm. Some even define German foreign policy toward the EPC as passive (Meckel et al. 2012; Schiffers 2021). Of course, there are reasons for it. Namely, Berlin wanted to cooperate more closely with the EPC in the economic sector, but in a way not to upset Moscow.

Furthermore, Germany's position was that Eastern Partnership is not an instrument of future EU enlargement. This was especially true after Bulgaria and Romania joined the EU when Germany felt the so-called enlargement fatigue (Gotkowska 2010, 1-2). Nevertheless, Berlin saw some ways of cooperation, like signing free trade agreements between the EU and EPC (Gotkowska 2010, 2-3).

A new policy for Eastern Partnership was announced after the Russian incursion into Ukraine in 2014 and the change of German government in 2021 (Schiffers 2021). However, this came to an end after Russian aggression. Despite many warnings from its eastern partners, Berlin believed it could contain Moscow diplomatically. This has inevitably led to a lack of trust in Germany among its eastern partners and other EU countries. Although German Chancellor Olaf Scholz has announced a change in German foreign and security policy (Zeitenwende), some eastern partners express concerns that Berlin and Moscow may reach a mutual understanding reminiscent of past occurrences (Schmelter 2023). On the other hand, it could be argued that Germany has a longstanding interest in the Central Asian region due to its abundant crude oil and gas reserves. Furthermore, the region poses security concerns for Europe due to terrorism threats and its proximity to Russia (Auswärtiges Amt 2010, 3).

In 2022, Berlin and the five Central Asian countries celebrated 30 years of diplomatic relations. Germany maintains embassies in all of the Central Asian countries. Additionally, it is the third largest trading partner in the region, following Russia and China (Auswärtiges Amt 2010, 5). It comes as no surprise that Berlin originally spearheaded the Strategy for a New Partnership between the EU and Central Asia in 2007, during its presidency of the EU (Auswärtiges Amt 2010, 3). As anticipated, Germany actively engages in the region by supporting various initiatives such as education, human rights, the rule of law, intercultural dialogue, security cooperation, good governance, environmental protection, and democratization (Auswärtiges Amt 2010).

Central Asia has assumed an even greater significance in Germany's foreign policy following the Russian aggression in Ukraine. Germany seeks to loosen Russia's grip and minimize its regional influence. In October 2022, the Minister of Foreign Affairs, Annalena Baerbock, visited Kazakhstan and Uzbekistan, where she affirmed Berlin's support for the Central Asian countries confronting not only Russian power but also China. She pledged closer cooperation, particularly in the energy sector, while simultaneously aiming to isolate Moscow due to its actions in Ukraine (Williamson 2022). This was evident in the increased energy cooperation between Berlin and Astana in 2022, driven by Germany's energy constraints (Özkan 2022).

Throughout the years, Italy's foreign policy towards post-Soviet countries has evolved within the framework of bilateral relations and in the context of the Eastern Partnership. Italy warmly embraced the initiative's inception in 2009 and has since supported almost all EU initiatives within the project. As a Mediterranean country, Italy's focus has traditionally centered on its Southern neighborhood rather than the Eastern region. Its relationship with Eastern neighbors has been subordinated to its strategic partnership with Russia, which holds strategic significance for both parties (Mikhelidze 2017, 1-2). Economic cooperation between the two countries has consistently been substantial, particularly within the energy sector, even amid the EU's sanctions against Russia in 2016. When the conflict arose between the Ukrainian government and the separatists in the Donbas region, most Italian media aligned themselves with the Russian narrative. The Gentiloni cabinet, led by Prime Minister Paolo Gentiloni, declared that Russia remained a strategic partner but did not recognize the legitimacy of the Crimean referendum. Italy supported Russia's removal from the G8 and joined the anti-Russian sanctions regime. Italy maintained a dialogue with Russia while remaining committed to the West's policy regarding the Ukraine crisis (Mikhelidze 2017, 3-5).

The growing momentum in relations with Central Asia has been demonstrated multiple times, including at the Italy-Central Asia Conference held in Rome in December 2018. This conference shed light on Italian engagement's economic and political dimensions in the region (Nova.news 2019). Available data indicate a significant increase in Italy's trade with the Central Asian region over the past few years (Uzbekistaninatlia.org 2018; Esteri.it 2019). The combination of a focus on Central Asia and support for Chinese infrastructure initiatives has underscored Rome's growing orientation towards the East in its foreign policy, with Central Asia assuming a pivotal role. Nonetheless, it is important to recognize that Central Asia is increasingly becoming a strategic battleground for major powers, notably between Moscow and Beijing (RT.com 2019). Therefore, "acting as a strong supporter of China's policies in Central Asia could prove risky in the mid-long term" (RT.com 2019). One feared that it could undermine Italy's relations with Russia, to which it presented the fifth largest trading partner in 2018 (RT.com 2019).

Regarding its relations with Russia, Italy has condemned the 2014 Russian annexation of Crimea and joined EU efforts to challenge Russia through sanctions. In the meantime, however, Italy has often sought to balance EU responses with its national interests toward Russia. This was especially apparent during Mario Draghi's government, which took a firm stance against Russia's aggression towards Ukraine in 2022 and actively supported EU sanctions (European University Institute 2022). This policy remained consistent even after Georgia Meloni assumed the role of prime minister.

The common perception is that Spain is not very interested in EaP projects and countries because it focuses on the Southern Neighborhood. According to de Borja Lasheras (2015), realism is "the main factor shaping Spain's approach to the Eastern Partnership Project" (de Borja Lasheras 2015). After the Vilnius Summit in 2013, Spain opted not to provoke Russia further and avoid giving the Eastern Partnership (EaP) countries false hopes regarding imminent EU enlargement. According to Madrid, the EaP framework holds value for relations with the six partner countries and driving reforms within them. However, following Ukraine 2014 crisis, particularly in 2022, Spain has demonstrated increased commitment to fostering closer EU relations with the EaP. The Spanish policy towards the EaP can be summarized by Spanish Prime

Minister Pedro Sanchez, who stated: "We believe in the constructive value of the Eastern Partnership for the region" (Lamencloa.gob.es 2021). Spain neglected Central Asia until recently. Alonso (2011) assessed the Spanish foreign policy towards Central Asia from 2000-2011 as very shy and sparse, focused exclusively on Kazakhstan and Uzbekistan and cooperation in security and energy. De Pedro (2012) concluded: "Central Asia will continue to hold a place on the Spanish foreign agenda, even though a dramatic increase in Spain's economic and political presence in Kazakhstan and the rest of the region is not foreseeable" (p. 4). In 2018 Spain had increasingly turned to the Asia-Pacific region. According to the Strategic Vision for Spain in Asia 2018-2022, its priority is the countries of East Asia. Despite not being a priority, the countries of Central Asia (and South Asia) are encompassed within the framework of Spain's foreign policy, with an increasingly proactive approach (Exteriores.gob.es 2022f). Even in the Spanish Foreign Action Strategy (Gobierno de Espana 2021, 103) for 2021-2024, it is acknowledged that Spain's presence is limited in the region and is considered a minor destination in terms of investment and trade. However, the strategy also highlights that Spain should aspire to play a more significant role in the economic development of Central Asia" (Gobierno de Espana 2021, 103).

### THE USE OF SOFT POWER AND DIGITAL DIPLOMACY OF GERMANY, ITALY, AND SPAIN

According to the Soft Power 30 Report 2019, Germany ranked third globally, following France and the United Kingdom (Portland 2023). In the aftermath of World War II, Germany faced the burden of its Nazi past, prompting Berlin to adopt soft power as a fundamental approach to its foreign policy. However, numerous developments today challenge Germany's soft power (Thu Thuy 2021). The German Federal Foreign Office (FFO) extensively utilizes social media platforms for communication. Their official webpage states that FFO maintains an active presence on four major social media platforms: Twitter, Facebook, Instagram, and YouTube.

Additionally, a link on their webpage directs visitors to the social media accounts of all German missions abroad, encouraging them to stay updated with the latest news (Auswaertiges-amt.de 2023a). Almost all German missions abroad have multiple social media accounts, and even specific members of some Missions, such as ambassadors, have their own (Auswaertiges-amt.de 2023a). German Missions abroad have more than 300 social media channels. The rationale behind it is, as they claim, to "help shape Germany's image abroad". According to the FFO today, it is "impossible to imagine the world of diplomacy without such media, which are important channels for communicating information about Germany, shedding light on foreign policy issues and getting into direct contact with the public in host countries" (Auswaertiges-amt.de 2023b). To aid in that task FFO also utilizes The Regional German Information Centers to provide "up-to-date and fact-based information on Germany and Germany's foreign policy in key regions" (Auswaertiges-amt.de 2023b).

According to the Soft Power 30 Report, Italy occupied 11<sup>th</sup> place in 2019 (Portland, 2023). In January 2022 Italian foreign minister launched a new internal structure, the Directorate for Culture and Public Diplomacy, with the purpose "of rendering Italian soft power a tool that can be used for constructing influence and global consensus on themes that they consider to be priorities" (Ellwood 2022). Officially, Italy has been named 2021 Country of the Year by the



prestigious magazine *The Economist* (2021) thanks to its current political leadership, resilience in the pandemic, and sporting and creative cultural successes in 2021. For 2020 Italy was ranked ninth in the National Brands Index, and “despite the fact it was not included in the five leading countries, its attractiveness for foreigners is undeniable” (Tabarintseva-Romanova 2021).

Generally, Italy enjoys an excellent global image due to being a cultural superpower: it is the country of history, art, civilization, beauty, and perfectly crafted things. The Italian Ministry of Foreign Affairs and International Cooperation launched a new social media campaign in 2016, utilizing the hashtag #Italiain. The objective of this campaign was to depict the various diplomatic activities of Italy worldwide using images, videos, and infographics. The primary platforms for this campaign were Twitter and the MFA’s Facebook profile (Di Martino 2016). As per the official webpage of the Italian Foreign Ministry, they actively engage with four major social media platforms: Twitter, Facebook, Instagram, and YouTube.

Until the end of the 20th century, Spain had to deal with the legacy of Franco’s rule, so in the 1980s, an international campaign was launched to create a “New Spain” image that would attract tourists, investors, and foreign governments. Using soft power resources, Spain tries to enhance public diplomacy by parallel practicing cultural diplomacy, national branding, and national reputation. Instituto Cervantes promotes the Spanish language and culture, and Marca España are the most successful tool of Spanish public diplomacy (Priego Moreno 2011, 49-52). The Instituto Cervantes is in 45 countries worldwide (Cervantes.es 2022), but it is not currently established in the Eastern Partnership countries or Central Asia. Spain has considered itself a significant player in soft power for the past 35 years (Rodríguez-Jiménez 2019). However, according to the Soft Power 30 Report (Portland 2023), Spain ranked 13th in 2019. The Spanish Ministry of Foreign Affairs (MFA) emphasizes the importance of digital communication as a key tool in diplomatic work, not only for the ministry itself but also for Spanish Diplomatic Missions, which had more than 300 profiles in 2022 (Exteriores.gov.es 2022d). In terms of public communication, the MFA utilizes four social media platforms: Twitter, Facebook, YouTube, and Instagram, as stated on their main webpage (Exteriores.gov.es 2022b).

#### **THE ANALYSIS OF GERMAN, ITALIAN, AND SPANISH EMBASSIES FACEBOOK PROFILES IN THE COUNTRIES OF EASTERN PARTNERSHIP AND CENTRAL ASIA**

In order to conduct a comparative analysis of the research data, the research focus was exclusively directed toward the content published on embassies’ Facebook pages. Facebook is a widely used and free online social network, boasting almost three billion users in 2021, making it the largest social network globally (Britannica.com 2023). Regarding RQ1, the following conclusion was drawn: Although Germany officially maintains a presence on four different social networks, when it comes to communicating with audiences in the countries of Eastern Partnership and Central Asia, Facebook is predominantly utilized, while YouTube is not used at all (see Table 3).

**Table 3: Social Media - Germany (Source: Authors' depiction)**

| Country      | Facebook  | Twitter  | Instagram | YouTube  |
|--------------|-----------|----------|-----------|----------|
| Armenia      | 1         | 1        | 0         | 0        |
| Azerbaijan   | 1         | 1        | 0         | 0        |
| Belarus      | 1         | 0        | 0         | 0        |
| Georgia      | 1         | 0        | 0         | 0        |
| Moldova      | 1         | 0        | 0         | 0        |
| Ukraine      | 1         | 1        | 1         | 0        |
| Kazakhstan   | 1         | 1        | 1         | 0        |
| Kyrgyzstan   | 1         | 0        | 1         | 0        |
| Tajikistan   | 1         | 1        | 1         | 0        |
| Turkmenistan | NA        | NA       | NA        | NA       |
| Uzbekistan   | 1         | 1        | 1         | 0        |
| <b>TOTAL</b> | <b>10</b> | <b>6</b> | <b>5</b>  | <b>0</b> |

Italy, similarly, employs four distinct social networks to engage with the audiences mentioned above. Italian Embassies primarily utilize Facebook and Twitter equally, whereas YouTube remains the least utilized social network (Table 4).

**Table 4: Social Media - Italy (Source: Authors' depiction)**

| Country      | Facebook                   | Twitter  | Instagram | YouTube  |
|--------------|----------------------------|----------|-----------|----------|
| Armenia      | 1                          | 1        | 0         | 1        |
| Azerbaijan   | 1                          | 1        | 1         | 0        |
| Belarus      | 1                          | 1        | 0         | 1        |
| Georgia      | 1                          | 1        | 1         | 1        |
| Moldova      | 1                          | 1        | 0         | 0        |
| Ukraine      | 1                          | 1        | 1         | 0        |
| Kazakhstan   | 1                          | 1        | 1         | 0        |
| Kyrgyzstan   | NA                         | NA       | 0         | 0        |
| Tajikistan   | 1 (shared with Uzbekistan) | 1        | 0         | 0        |
| Turkmenistan | NA                         | NA       | NA        | NA       |
| Uzbekistan   | 1                          | 1        | 0         | 0        |
| <b>TOTAL</b> | <b>8</b>                   | <b>9</b> | <b>4</b>  | <b>3</b> |

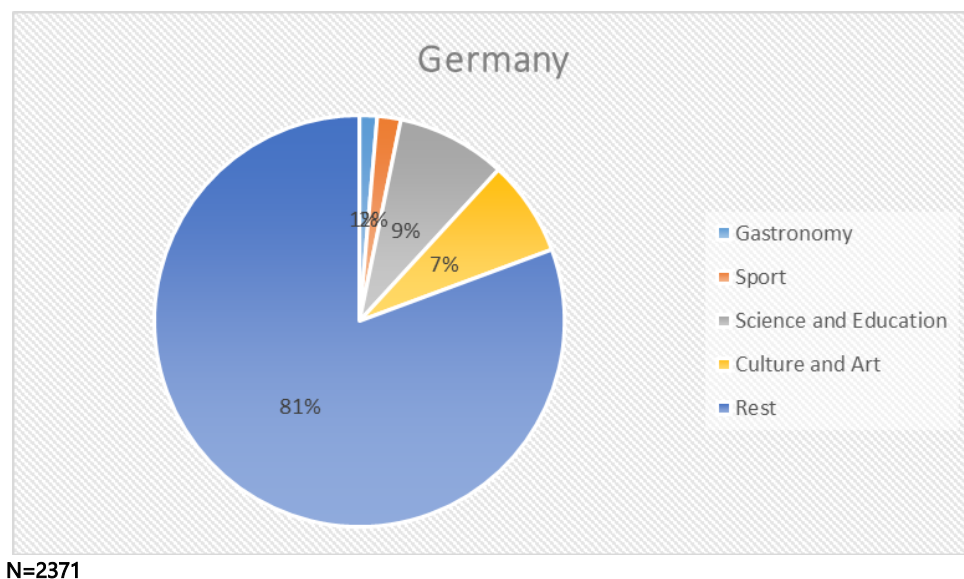
The Spanish Ministry of Foreign Affairs (MFA) utilizes four social media platforms for public communication. However, the embassies in Ukraine and Kazakhstan specifically use Facebook and Twitter for their communication efforts (Exteriores.gov.es 2022e). It should be noted that a Twitter account for the embassy in Ukraine does not exist (Twitter.com 2022), and the Facebook profile associated with the MFA site in Kazakhstan does not have any posts (Exteriores.gob.es 2022e).

Concerning RQ2, the following conclusion was reached: through thematic analysis of all Facebook posts published by the embassies of Germany, Italy, and Spain, which were associated with soft power, we categorized them into four clusters (science and education, culture and art, gastronomy, and sport), while the remaining posts were classified as a residual category. Table 5 shows that German embassies demonstrated an active presence on social media, in line with their digital diplomacy strategy.

**Table 5: Facebook Pages for 2022 Germany (Source: Authors' depiction)**

| Country      | Gastronomy | Sport     | Science and Education | Culture and Art | N           |
|--------------|------------|-----------|-----------------------|-----------------|-------------|
| Armenia      | 0          | 2         | 19                    | 11              | 112         |
| Azerbaijan   | 4          | 8         | 17                    | 23              | 167         |
| Belarus      | 5          | 8         | 3                     | 16              | 289         |
| Georgia      | 4          | 8         | 30                    | 37              | 383         |
| Moldova      | 0          | 1         | 13                    | 7               | 127         |
| Ukraine      | 12         | 0         | 21                    | 14              | 469         |
| Kazakhstan   | 3          | 9         | 19                    | 18              | 224         |
| Kyrgyzstan   | 3          | 5         | 19                    | 18              | 260         |
| Tajikistan   | 2          | 0         | 4                     | 10              | 59          |
| Turkmenistan | NA         | NA        | NA                    | NA              | NA          |
| Uzbekistan   | 0          | 3         | 59                    | 24              | 281         |
| <b>TOTAL</b> | <b>33</b>  | <b>44</b> | <b>204</b>            | <b>178</b>      | <b>2371</b> |

The cluster of science and education emerged as Germany's most extensively utilized soft power resource, followed by culture and art as the second largest. The representation of the remaining two soft power resources, gastronomy, and sport, was notably lower. The proportions of these soft power resources are visually depicted in Graph 1.



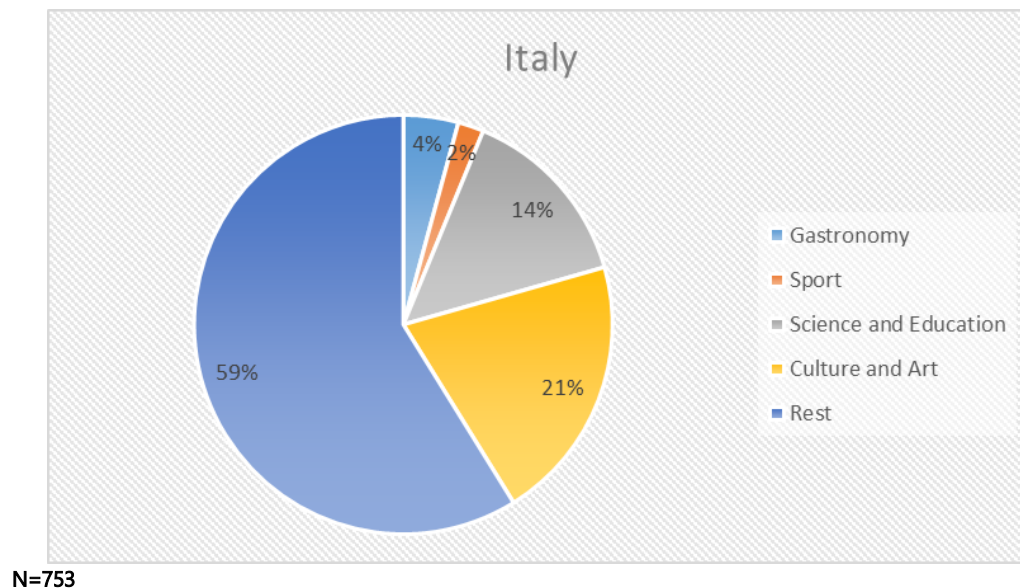
**Graph 1: Soft Power Resources of Germany (Source: Authors' depiction)**

Italian embassies were also active on social media, as evidenced by the information presented in Table 6.

**Table 6: Facebook Pages for 2022 Italy (Source: Authors' depiction)**

| Country                   | Gastronomy | Sport     | Science and Education | Culture and Art | N          |
|---------------------------|------------|-----------|-----------------------|-----------------|------------|
| Armenia                   | 1          | 0         | 2                     | 9               | 21         |
| Azerbaijan                | 0          | 0         | 2                     | 3               | 19         |
| Belarus                   | 0          | 0         | 3                     | 3               | 145        |
| Georgia                   | 11         | 8         | 47                    | 61              | 180        |
| Moldova                   | 10         | 3         | 21                    | 21              | 136        |
| Ukraine                   | 0          | 0         | 6                     | 7               | 90         |
| Kazakhstan                | 6          | 2         | 13                    | 3               | 115        |
| Kyrgyzstan                | NA         | NA        | NA                    | NA              | NA         |
| Tajikistan and Uzbekistan | 4          | 2         | 14                    | 19              | 68         |
| Turkmenistan              | NA         | NA        | NA                    | NA              | NA         |
| <b>TOTAL</b>              | <b>32</b>  | <b>15</b> | <b>108</b>            | <b>155</b>      | <b>753</b> |

Italy's most utilized soft power resource is the culture and arts category, with science and education as the second largest. The representation of the other soft power resources, namely gastronomy and sport, was comparatively lower. The percentages illustrating the distribution of these soft power resources are displayed in Graph 2.

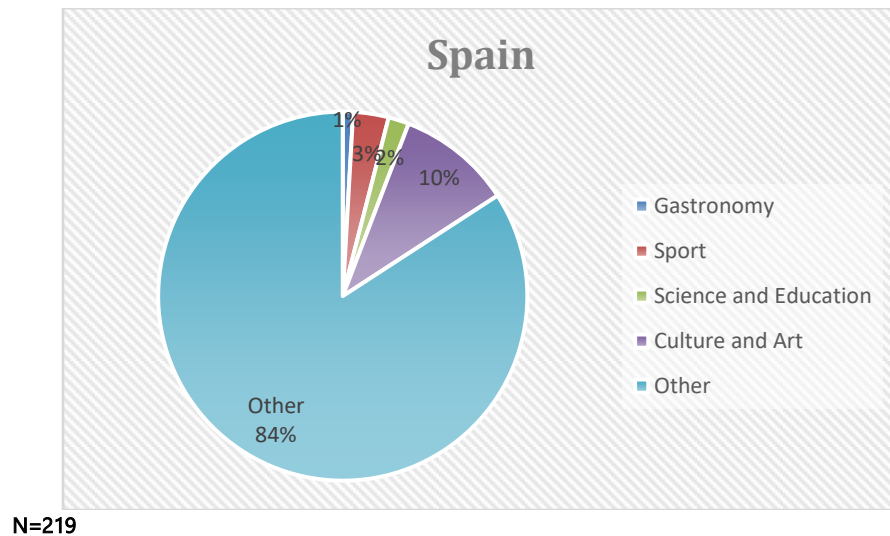


**Graph 2: Soft Power Resources of Italy (Source: Authors' depiction)**

It was discovered that the Spanish embassy in Ukraine published 185 posts on their Facebook profile in 2022, while the Spanish embassy in Astana, according to the MEA official website, has no posts. As a result, the Facebook profile for the Embassy of Spain in the Republic of Kazakhstan, the Kyrgyz Republic, and the Republic of Tajikistan was created with 34 posts. Initially, only four clusters were assigned, but in the case of the Spanish embassy's Facebook profile in Ukraine, a new cluster named "aid to Ukraine" with 18 posts was considered (Table 7). However, this cluster was not utilized in comparison to other countries.

**Table 7: Facebook Pages for 2022 Spain (Source: Authors' depiction)**

| Country      | Gastronomy | Sport    | Science and Education | Culture and Art | N          |
|--------------|------------|----------|-----------------------|-----------------|------------|
| Ukraine      | 0          | 5        | 0                     | 9               | 167        |
| Kazakhstan   | 2          | 2        | 4                     | 13              | 34         |
| <b>TOTAL</b> | <b>2</b>   | <b>7</b> | <b>4</b>              | <b>22</b>       | <b>201</b> |



**Graph 3: Soft Power Resources of Spain (Source: Authors' depiction)**

Concerning RQ3, it has been observed that among the three countries analyzed, Germany displays the highest level of interest in EPC (Eastern Partnership Countries) and Central Asian countries. This assessment is based on the presence of German embassies in all 11 of the mentioned countries. Additionally, Germany demonstrates a high level of engagement on Facebook when interacting with these countries, aligning its digital diplomacy instruments with its foreign policy objectives.

While Italy's foreign policy primarily focuses on southern neighborhood countries, it also significantly focuses on EPC and Central Asian countries. Notably, Italy establishes strong economic relations with Russia, influencing its stance towards China as the primary player in East Asia and shaping its policy within the framework of the EU Eastern neighborhood. The research further suggests Italy's engagement within the analyzed region, as it has embassies in nine of the mentioned countries. Italy actively promotes its foreign policy priorities through digital diplomacy, particularly on Facebook, to a significant extent.

In contrast to Italy, which successfully incorporates both the southern and eastern dimensions of its neighborhood policy, Spain has not demonstrated the same ability or willingness to do so. Based on our findings, Spain appears to have shown passivity towards the EPC and Central Asian countries. This observation is further supported by the fact that Spain only has two embassies in the mentioned countries, with only one exhibiting relatively active engagement on Facebook.

## CONCLUSION

The primary objective of this research was to examine the digital public diplomacy practices of Germany, Spain, and Italy in the countries of the Eastern Partnership and Central Asia in the year 2022, specifically focusing on how they promote their countries through their embassies' Facebook profiles. Analyzing embassies' Facebook profiles in the selected countries of the EPC and Central Asia involved quantitative content analysis, thematic analysis, and descriptive statistics. Our findings indicate that digital public diplomacy 2.0 is standard practice for Germany and Italy in Eastern Partnership and Central Asia countries. However, less information was available regarding Spain's digital public diplomacy efforts. Facebook and Twitter are the primary communication platforms utilized by these countries to engage with the public.

Moreover, the collected data reveals that culture and art were the most frequently employed clusters representing soft power resources in promoting their countries, followed by science and education. In contrast, gastronomy and sport had a lower representation. Additionally, the data demonstrates that Germany and Italy exhibit greater interest in the EPC and Central Asia than Spain, as evident from their foreign policies, number of embassies, concrete partnerships, and digital public diplomacy efforts.

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# EVALUATION OF THE PRINCIPLE OF TAX FAIRNESS IN THE TAX ON INCOME OF NATURAL PERSONS IN THE REPUBLIC OF NORTH MACEDONIA

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**Abstract:** *The paper analyzed the development stages in the taxation of the income of natural persons in the Republic of North Macedonia through the prism of their compliance with the theoretical approaches in regulating the matter of income taxation. For this purpose, the initial stage of this research was the review of the impact of frequent amendments to the regulatory framework (relevant legislation) on the realization of the principles of vertical and horizontal justice. In the analysis of the normative-legal framework, the primary focus was the regulation's influence on the realization of the principle of justice in taxation in the legal system of the Republic of North Macedonia (RNM). Additionally, the teleological method was used to identify the level of realization of the goals and functions of the RNM tax system. In that context, the effects of income taxation on the redistributive function were analyzed. The basic hypothesis from which the paper starts is that the frequent changes and modifications in income taxation concepts resulted in violating social-political principles in taxation. The research results indicate an inconsistency in the development of the system of income taxation of natural persons in RNM, which leads to a violation of the vertical and horizontal justice and the redistributive function of the income tax.*

**Keywords:** *Income Tax; Fairness; Redistributive Function; Reform Cycles; North Macedonia*

## INTRODUCTION

Taxing natural persons' income is inherently one of the most intricate forms of taxation, given its intricate layers, collection methods, and diverse objectives. Consequently, its role and significance within countries' tax systems are emphasized, as it encompasses a broad spectrum of functions.

Through the income tax, in addition to the fiscal goal, numerous other goals are achieved, primarily of a social nature, given the high degree of agreement of the financial theory on the possibilities of realizing the principles of tax justice through progressive income taxation (Avi-Yonah 2006, 23-24). The social dimension of the personal income tax is reflected in the principles on which it rests and refers to a set of issues related to the determination of the taxpayer's property, tax base, tax object, and tax rate. Namely, taxes' role and influence in realizing social equality is from a more recent date (Jelačić et al. 2002, 173). In the mid-20th century, influenced by the theory of well-being and the welfare state, social-political principles emerged in taxation, with Adolph Wagner having the most significant impact on their integration. Wagner's principles, namely the universal character of the tax and equality in taxation, are considered fundamental political and social principles. Social-political principles are

integrated through the principle of equality of citizens (including the principle of generality in taxation); and the principle of fairness as a standard in taxation (including the principle of taxation according to economic ability and the protection of human dignity and the protection of the family) (Keuschnigg 2005, 119; Kofler and Urnik 2004). Modern legal systems in support of equality have built the doctrine “equality of citizens who are in the same legal situation”, which includes equal access to citizens who are in the same legal situation (Bienvenu 2010, 25). As a result of this doctrine, the principle of non-discrimination arises. The set of mentioned principles are integrated within the constitutional norms of modern states, including the Republic of North Macedonia (RNM), as well as within the European Convention on Human Rights (ECHR) through Articles 6, 8, and 14, and Article 1 of Protocol No. 1 (Convention for the Protection of Human Rights and Fundamental Freedoms 1950). Following the concept of a welfare state, the principle of equality includes equality in the redistribution of income, in the sense of equality between members of society, in which there are no differences in legal, political, social, and economic position.

The question of achieving tax justice (fairness) is most directly related to the rule of law because only fair taxes can be in accordance with the goals and functions of the rule of law (Jelačić et al. 2002, 173). The principle of justice within the financial theory by Adam Smith (1776) in “An Inquiry into the Nature and Causes of Wealth of Nations”, formulates the four principles in taxation. Among others, Smith defines the principle of equality in taxation, according to which citizens are obliged to participate in meeting the needs of the state in proportion to their income. The states, among other things, realize the distribution function by applying the principle of equality in taxation. Through the taxation system, deducting part of the income from the rich class of citizens, the state tries to improve the social position of the poor classes. In this context, the redistributive justice of the income tax is particularly pronounced. The income tax is one of the tax forms through which a fairer income distribution can be influenced. In addition to justice in the income distribution, through structural characteristics of the income tax, which is taxation according to the taxpayer’s economic ability, it contributes to realizing the principles of horizontal and vertical justice in taxation (Hillman 2003, 472). In this regard, the financial theory considers the taxpayer’s income as the most reliable indicator of economic strength (Holmes 2001). Consequently, tax justice is reflected through the effort to determine the taxpayer’s economic ability precisely because the income tax can be defined as a general tax on economic ability expressed through the realized income (Andel 1992, 288).

RNM’s commitment to building an efficient and fair system of personal income taxation can be qualified as a process of frequent changes and additions that make the system uncertain, with pronounced oscillations in the approach to regulation. Namely, in practice, it has been shown that there are serious violations of the concepts of proportionality and progressiveness in the analyzed phases because they are reflected in the dilemma of whether the tax system can achieve the primary goals and principles of taxation, which are also raised at the constitutional level. Namely, statistical data show that RNM is the country with the lowest percentage of income tax participation in total tax revenues (Jovanovic 2019, 125), as well as the data that the country has the greatest inequality in the distribution of income in Europe (Gacov et al. 2016, 53). Inconsistencies in the basic theoretical postulates run through all three reform phases,



starting from the principle of taxation according to economic ability, the objective and subjective net principle in determining the tax base, and the principle of income tax progression.

### **FIRST REFORM PHASE: IN SEARCH OF A FAIR AND EFFICIENT TAX SYSTEM**

With the tax reform in 1993, RNM established a new tax system for natural persons' income. Reform efforts in tax policy aim to align the tax system with the modern tax systems of countries with developed economies. The tax reform is qualified as a transitory system of taxation with the remnants of the old system in the part of advance taxation of income with tax collection after deduction from each income, with their deduction from the established annual tax (Pendovska, Maksimovska, Mangova, Poljavich 2013, 285).

Namely, before the reform, the Republic of North Macedonia, like the other Member States of the former Yugoslavia, applied the so-called British model of taxation, which is also a cedular taxation model (Pendovska 2001). The main feature of this model is the duality of taxation: first, the taxpayer's income is taxed individually and analytically, and then, at the end of the year, it is again approached to tax all types of income together in a total amount. In 1993, when reforms in the tax system began, the state abandoned the British model. It adopted the German model. Namely, the German model of income taxation represents a single and comprehensive income tax that rests on a single synthetic income tax based on the income concept, which implies synthesizing the different types of income in the total income of the taxpayer that is taxed with one tax form, one tax rate, without differentiation of the tax burden according to the type of income. The synthetic taxation model is a function of achieving horizontal equality, which implies equal tax treatment of taxpayers with equal income capacity without segmenting income from capital and income from work (Jelačić 1998, 236-239).

The 1993 reform provided progressive tax rates of 23%, 27%, and 35%. The rates were revised in 2001 with their reduction: for income up to MKD 36,000, a rate of 15%, and for income over MKD 36,000, a rate of 18%. In 2005, a third rate of 24% was introduced.

The normative analysis shows that the principle of horizontal justice is integrated with the first reform phase when determining tax liability through the synthetic model. In contrast, the principle of vertical justice is realized through progressive tax rates. The analysis shows the so-called direct progression by establishing more tax lines for which different tax rates are provided. In addition to direct progression, to achieve greater progressivity, the so-called indirect progression through the determination of certain tax relief to determine the amount of the so-called subsistence minimum in the form of an annual tax exemption is presented in Table 1. The net subjective principle is provided through the so-called indirect progression expressed in the form of the annual tax exemption provided for all taxpayers without considering the personal circumstances and circumstances in which the taxpayer finds himself. The inconsistent application of the net subjective principle undermines horizontal justice because it is not based on the individual approach in determining the tax liability through the system of double or family quotas that are present in a comparative sense in many countries (source). On the other hand, the principle of horizontal fairness is not fully satisfied due to the non-taxation of capital income. Consequently, the predicted model violated the principle of neutrality to the detriment of property and property rights taxation.



**Table 1: Amount of Tax Rates and Types of Tax Exemptions for Personal Income Tax in the Period from 1993 to 2006 (Source: Author's research)**

| Period      | Amount of Rate   | Personal Exemption  | Statutory Provision   |
|-------------|--|---|---|
| 1994 - 2001 | 23% for income up to 2 monthly average wages;<br>27% for income from 2 to 5 monthly average salaries;<br>35% for income over 5 monthly average salaries. | ¼ of the monthly average salary paid in RNM   | Personal income tax law, Official Gazette No. 80/93 of 1993   |
| 2001 - 2004 | 15% up to MKD 360,000;<br>18% over MKD 360,000;  | Since 2001 the annual personal exemption of 30,000 MKD (valued with the coefficient of increase of the monthly average achieved in the previous year).                    | Law on Amendments and Addenda to the Law on Personal Income Tax, Official Gazette No. 08/01 of 2001   |
| 2005 - 2006 | 15% up to MKD 360,000;<br>18% over MKD 360,000 to MKD 720,000;<br><br>24% over MKD 720,000;  | Since 2009 the annual personal exemption amounts to 84,000 (it is valorized by the planned increase in wages in the RNM following the government's macroeconomic policy). | Law on Amendments and Addenda to the Law on Personal Income Tax from Official Gazette No. 96/04 of 2004.<br><br>Law on Amendments and Additions to the Law on Personal Income Tax from fig. Journal No. 159/08 of 2008. |

## SECOND REFORM PHASE: CONCEPT OF JUSTICE THROUGH EQUALIZATION OF "INCOME INEQUALITY"

The second reform phase began in 2006 when proportional taxation of the income of natural persons was introduced through the adoption of the flat tax model. The reform simultaneously included changes in the administrative concept, which resulted in the adoption of the Tax Procedure Law, which strengthened the Public Revenue Authority's role in determining, collecting, and controlling taxes (Dzafche 2021, 245). The flat tax was introduced by amending the existing Personal Income Tax Law in 2005, which until then underwent ten amendments; until its repeal in 2018, it underwent a total of 31 amendments.

In the second reform phase, progressive taxation was abolished, and proportional taxation of individuals' income and the profit of legal entities were approached. Progressive rates were replaced by a flat rate of 12% in 2007, with a reduction to 10% in 2008. The flat tax model introduced in RNM is the proportional model with one tax rate and many non-standard exemptions and reliefs (Pendovska and Dzafce 2009, 125). The introduction of proportional taxation was aimed at creating favorable conditions for attracting foreign investors by making Macedonia the country with the lowest tax rate in Europe (besides Bulgaria and Bosnia and Herzegovina, Romania, and Kosovo); simplification of the system of tax determination and collection; as well as suppression of tax evasion (Smilevski 2018; Stojkov, Nikolov, and Smilevski 2008). The expected effects were to be reflected in the number of tax revenues, the tax discipline, and the concept of "justice and equality," which was promoted under the maxim "everyone with an equal contribution to the realization of public revenues", where the absolute amounts will show the difference that it will go in favor of "justice" (Maksimovska-Stojkova 2019, 143). The flat tax concept is based on the equal treatment of earned income regardless of its size, which in tax theory is contrary to the concept of justice in the tax-legal sense. In addition to

violating the principle of vertical justice, the flat tax called into question the redistributive character of the personal income tax. Namely, since independence, RNM has recorded high-income distribution inequality at the European level and is the only country in Europe where the value of the Gini index exceeded 40 with a strong growing trend of increasing inequality of income distribution. (Gacev et al. 2016; World Bank 2015). Data indicate that North Macedonia had a Gini coefficient of about 27% in 1991, drastically increasing to 36% in 1996 (World Inequality Database 2023). After a moderation period, income inequality rose again, with a more moderate trend from 2004 to 2010. The last two measures of income inequality show a downward trend after 2010, from 40.9% to 31.9%, representing a significant decline over eight years (Petrovski 2020, 5). The country's first fiscal data published in 2017 show that 14% of income is concentrated in the hands of the top 1% with the highest income, similar to the global situation with income inequality (Petrovski 2020, 5). Namely, the average income of the top 0.1% is seven times that of the remaining 0.9% of the top 1% and a whopping 34 times that of the 90th percentile (Petrovski 2020, 5).

### THIRD REFORM PHASE: "RETURNING" TO "FAIR" TAXATION

In the third reform phase, a new Law on Personal Income Tax was adopted in 2018 to increase budget revenues and greater fairness in taxation. For those reasons, the reform consisted of two basic tendencies: expanding the tax base and introducing a higher tax rate (Jovanovic 2019, 31). Through this reform, progressive taxation was introduced for income from labor, and for income from capital, a single tax rate was maintained but increased from 10 to 15%. Namely, in the implementation of this reform phase, a series of inconsistencies and frequent changes and additions were observed, which are due to the political and economic environment that the state is facing. As a result, the application of the progressive rates was implemented only in 2019, so only after one year of application was the application of the progressive rates postponed, with which the state returned to proportional taxation. The third phase replaced the German with a Romanian type of income tax but in a modified form. Namely, this type of income tax is characterized by the taxation of individual incomes (part of the income) with the application of proportional rates, progressive or with progressive and proportional tax rates. If the limit value is exceeded, the total income is additionally taxed progressively (Jelačić 1998, 236).

In the case of RNM, income from labor (income from work, self-employment, income from the sale of own agricultural products) is taxed progressively. In contrast, income from capital, insurance, games of chance, and other income are taxed proportionally. The inconsistency is observed in the absence of progression in case of exceeding a limit value not provided for by law, which is characteristic of the Romanian income taxation model.

Progressivity applies only with exceeding the threshold value for labor income without considering other incomes that would essentially increase the income value, which could raise the threshold, further opening the dilemma of real progressivity. On the other hand, the theoretical public debates progressivity due to the high legal threshold for transitioning to a higher tax order and applying the higher tax rate. The threshold was set at 90,000 MKD per month, i.e., 1,080,000 MKD per year, corresponding to the highest-income 1% of the population,

where regressiveness in taxation has been observed (Jovanovich 2019, 34-35). According to the Government of the RNM projections, 491,000 people should be affected by this reform. About 435,000 will have a reduction in the effective tax rate due to the increase in the tax reduction, and an increase is foreseen for 38,000 people. For the top 1% of the population, the effective tax rate will increase by 4%.

The idea of fair taxation, regulated within the framework of the third reform phase, in today's retrospect, proved to be unfeasible; after only one year of implementation, progressive taxation was postponed for two years, i.e., until 2023, to be completely abolished on 20.12.2022 through amendments to the Personal Income Tax Law. In addition, the rates of 15% that were provided for capital income, insurance income, and other income have been reduced to 10%. A rate of 15% is provided only for gambling income. Interest from deposits is exempted from taxation. The current normative framework in the taxation of the income of natural persons means the return of the flat tax and proportional rates. For those reasons, we will see the empirical analysis through the analysis of the two reform phases because one year of application of progressive taxation does not represent a period in which relevant conclusions can be drawn.

### **EMPIRICAL ANALYSIS OF THE EFFECTS OF TAX POLICIES IN THE REPUBLIC OF NORTH MACEDONIA**

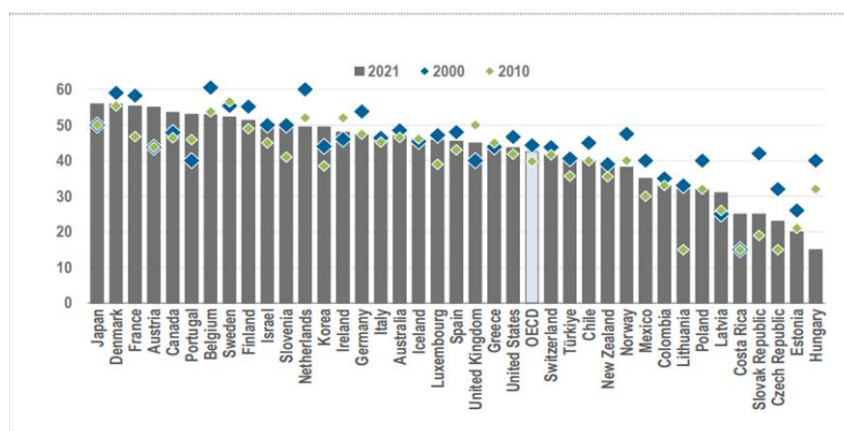
Since the main objective of this paper is an analysis of changes in the concepts of income taxation and changes in the amount and structure of total tax revenues, the analysis will be made in the period from 2005 to 2022, a period in which proportional taxation is applied with the exception in 2005 and 2019. In most of this period, the synthetic model of taxation is in use, except for the period from 2019 to 2022, when the state applied the hybrid model of taxation with the application of a synthetic model for income from work, self-employment, and income from agricultural products and the analytical model for capital income, capital gains, insurance income, gambling, other income which are taxed at a higher but proportional rate. The empirical analysis was based on published aggregate data from the Ministry of Finance, the Administration for Public Revenues, the National Bank of the RNM, and the State Statistics Office.

The analysis will answer the question of the type and nature of progressivity, i.e., proportionality, and the application of the subjective net principle. The analysis aims to comprehend the implications of changes in income tax policy on the structure and magnitude of tax revenues, the level of inequality reduction through redistribution, and the impact of tax policy on GDP levels and the amount of public debt (Vermeer 2022).

**Table 2: Comparative Presentation of Tax Rates and Tax Exemptions in the Two Reform Phases**  
(Source: Author's research)

|   | Personal Income Tax Law<br>(analyzed period: second reform phase<br>2006-2018) |  | Personal Income Tax Law<br>(analyzed period: third reform phase<br>2018-2022) |  | Law on Amendments and<br>Addenda to the Personal<br>Income Tax Law dated<br>20.12.2022 |
|---|--|--|---|--|--|
| Type of Income                                    | Tax Rate   | Tax Reduction (Nominal<br>Costs)   | Tax Rate  | Tax Reduction<br>(Nominal Costs)   | Tax Rate   |
| Income from work                                  | 10%  | From 2001 to 2009, MKD 30,000 annual tax reduction;<br>Since 2009, 84,000 MKD;<br>50% tax exemption for employees in technological development zones | 10% up to MKD 1,080,000 - annually;<br>18% for income over MKD 1,080,000      | Annual tax reduction: 96,000 MKD   | 10%  |
| Income from independent activity                  | 10%  | Up to 30% of investments in working capital; up to 50% of the tax base   | 10% up to MKD 1,080,000 - annually;<br>18% for income over MKD 1,080,000      | Up to 30% from investments in working capital; up to 50% of the tax base | 10%  |
| Royalty income                                    | 10%  | Nominal charges from 25% to 50%  | 10% up to 1.080.000 MKD annually;<br>18% for income above 1.080.000 MKD       | Nominal costs from 20% to 50%  | 10%  |
| Income from the sale of own agricultural products | 10%  | Nominal costs up to 80%  | 10% and 18%   | Nominal costs up to 80%  | 10%  |
| Income from industrial property rights            | 10%  | Nominal costs up to 25%  | 15%   | Nominal costs up to 10%  | 10%  |
| Income from lease and sublease                    | 10%  | Nominal costs from 25% to 30%  | 15%   | Nominal costs from 10% to 15%;   | 10%  |
| Capital Income                                    | 10-%   | No reduction   | 15%   | No reduction(on interest on deposits for income higher than 15,000)      | 10%  |
| Capital gains                                     | 10%  | Nominal costs of 30%   | 15%   | Nominal costs of 10%   | 10%  |
| Profit from a game of chance                      | 10%  | -  | 15% (for income higher than 5.000 MKD)  | -  | 15%  |
| Income insurance                                  | 10%  | -  | 15%   | -  | 10%  |
| Other income                                      | 10%  | Nominal expenses of 35%  | 15%   | Exemption for used solid waste of 50%                                    | 10%  |

Table 2 presents the number of tax rates in both reform cycles and the types of reductions. The analysis shows that progressivity was observed only in the first reform phase. In the third reform phase, progressivity is only a "makeup" of the commitment to justice in taxation. In 2023, the state "returned" to flat taxation after unsuccessful attempts and postponements of the concept, even though progressivity was supposed to cover only 1% of the population. In this way, horizontal justice is suspended through progressive tax rates to apply the principle of taxation according to economic ability. Regarding the number of tax rates, at the level of Europe, RNM has the lowest tax rates on income tax.



**Chart 1: Level of Income Tax Rates of OECD Member States for the Period 2000, 2010, 2021**  
(Source: OECD 2022)

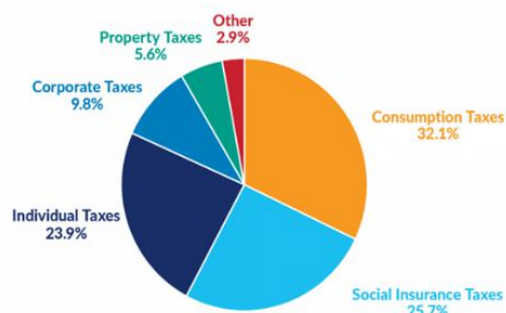
The analysis shows that the lowest rates are recorded in Hungary and Estonia from the European countries Denmark, Austria, and Belgium, with over 50%. At the EU Member States level, the average income tax rate has decreased in the last six years, from 21.13% in 2017 to 20.30% in 2022 (Eurostat).

**Table 3: Amount of Total Tax Revenues, by Types of Taxes and Contributions in the Period from 2005 to 2022 in the RNM (Source: Author's depiction based on the Bulletins of the National Bank of the RNM 2023)**

| Year | Total Tax Revenues<br>(expressed in millions<br>of MKD) | Personal<br>Income Tax | Profit Tax | VAT    | Excise<br>Duties | Contributions |
|------|---|------------------------|------------|--------|------------------|---------------|
| 2005 | 55.681  | 8.097                  | 2,837      | 27.082 | 11.748           | 28.595        |
| 2006 | 59.575  | 8.414                  | 4,708      | 27.239 | 12.174           | 30.766        |
| 2007 | 69.515  | 8.893                  | 5,898      | 32.962 | 13.265           | 33.457        |
| 2008 | 76.559  | 8.696                  | 8,579      | 36.173 | 14.276           | 38.249        |
| 2009 | 70.754  | 8.710                  | 4,434      | 35.173 | 14.533           | 38.837        |
| 2010 | 72.938  | 8,872                  | 3,690      | 37.694 | 14.925           | 38.687        |
| 2011 | 78.206  | 9,513                  | 3,888      | 42.224 | 15.513           | 39.759        |
| 2012 | 75.619  | 9,553                  | 3,652      | 38.469 | 16.596           | 40.765        |
| 2013 | 77.478  | 10,254                 | 4,421      | 39.835 | 15.990           | 42.438        |
| 2014 | 83.845  | 12,320                 | 5,060      | 43.860 | 17.394           | 44.185        |
| 2015 | 91.357  | 12,910                 | 12,024     | 41.694 | 19.783           | 47.900        |
| 2016 | 98.457  | 14,204                 | 10,768     | 45.949 | 22.215           | 50.300        |
| 2017 | 103   | 15,263                 | 11,353     | 47.870 | 23.093           | 52.890        |
| 2018 | 112.774   | 17,559                 | 14,745     | 49.254 | 25.092           | 56.538        |
| 2019 | 115.114   | 18,706                 | 11,555     | 52.059 | 26.087           | 62.166        |
| 2020 | 105.713   | 18,625                 | 10,497     | 46.893 | 22.450           | 66.564        |
| 2021 | 124.286   | 20,552                 | 10,871     | 58.194 | 25.548           | 70.627        |
| 2022 | 140.518   | 23,852                 | 15,776     | 64.764 | 25.483           | 77.619        |

Table 3 presents the total tax and other tax revenues and contributions for mandatory social insurance from 2005 to 2022. The general conclusion is that the RNM has the lowest level

of tax revenues based on income tax and is in fourth place after contributions, VAT, and excise taxes. In contrast to RNM in the OECD Member States, income tax revenue in 2021 is the third most important tax revenue in total tax revenue.



Graph 1: Revenue Statistics - OECD Countries Comparative Tables, Source for OECD Countries for 2021  
(Source: OECD 2021)

Table 4: Percentage Share of Income Tax and Contributions for Mandatory Social Insurance Concerning Total Tax Revenues in the Period from 2005 to 2022 in the RNM (Source: Author's research)

| Year | Share of Personal Income Tax in Total Tax Revenues | Share of Mandatory Social Insurance Contributions in Total Tax Revenues | Income From Personal Tax, As A % of Total Budget Revenues | Revenues from Mandatory Social Insurance Contributions As A % of GDP |
|------|--|---|---|--|
| 2005 | 14,54 %  | 51,35%  | 2,6%  | 9,3%   |
| 2006 | 14,12 %  | 51,64%  | 2,5%  | 9,2%   |
| 2007 | 12,79%   | 48,12%  | 2,4%  | 9,0%   |
| 2008 | 11,35%   | 50,72%  | 2,1%  | 9,2%   |
| 2009 | 12,31 %  | 54,89%  | 2,1%  | 9,4%   |
| 2010 | 12,16%   | 53,04%  | 2,0%  | 8,8%   |
| 2011 | 12,16%   | 50,83%  | 2,0%  | 8,6%   |
| 2012 | 12,63%   | 53,90%  | 2,0%  | 8,7%   |
| 2013 | 13,22%   | 54,77%  | 2,0%  | 8,5%   |
| 2014 | 14,69%   | 52,69%  | 2,3%  | 8,4%   |
| 2015 | 14,13%   | 52,43 %   | 2,3%  | 8,6%   |
| 2016 | 14,42%   | 51,08%  | 2,4%  | 8,4%   |
| 2017 | 14,81%   | 51,34%  | 2,5%  | 8,6%   |
| 2018 | 15,57%   | 50,13%  | 2,7%  | 8,6%   |
| 2019 | 16,24%   | 54%   | 2,7%  | 8,9%   |
| 2020 | 17,61%   | 62,96%  | 2,8%  | 9,9%   |
| 2021 | 16,53%   | 56,82%  | 2,9%  | 9,8%   |
| 2022 | 16,97 %  | 55,23%  |   |  |

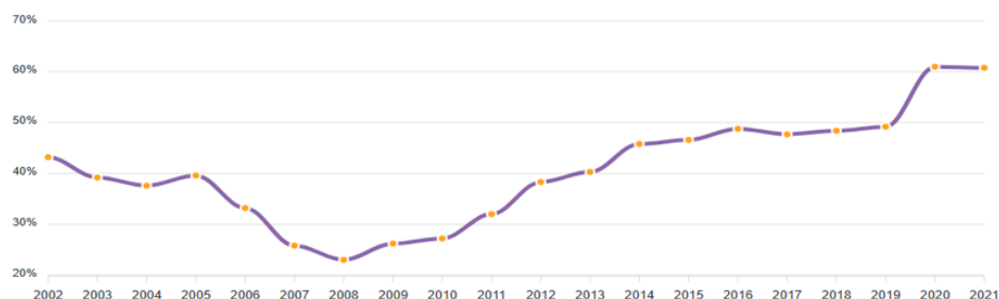
Table 4 presents revenues from personal income tax as a % of GDP from 2005-2022. It can be observed that there is a decrease in personal tax revenues after the introduction of the flat tax in total tax revenues. The percentage participation in 2005 was 14.54%; in 2007, it decreased to 12.79%, i.e., 11.35% in 2008. A trend of equalization will happen only in 2017. A slight increase was observed from 2018 to 2020, but in 2021 it decreased again by one percentage point. An upward trend was also observed regarding the percentage share of income tax revenues concerning GDP: from 2.6% in 2005 to 2.1% in 2008. The decreasing trend was also observed in the following years from 2008 to 2017; in 2018, the level of 2005 will be reached. An increase of one percentage point is seen in 2021 and 2022 due to increased rates for capital income, insurance, gambling, and other income. The data concludes that the tax

reform in 2007 resulted in a decrease in personal tax revenues. The analysis shows no significant changes were observed in 2019 when progressive taxation was applied. In contrast to RNM, the percentage share of personal income tax and social security contributions in total tax revenues at the level of the EU, OECD, and other regions is significantly higher, data presented in Table 5.

**Table 5: Percentage Share of Personal Income Tax and Social Security Contributions in Total Tax Revenues by Region for 2018 (Source: OECD 2020)**

| Region or Group | Personal Income Tax | Social Security Taxes | Number of Countries Covered |
|-----------------|---------------------|-----------------------|-----------------------------|
| OECD            | 23,9%               | 26,2%                 | 36                          |
| Europe          | 23,0%               | 29,7%                 | 27                          |
| Asia            | 15,7%               | 12,2%                 | 9                           |
| North America   | 13,4%               | 16,0%                 | 16                          |
| Africa          | 14,8%               | 6,8%                  | 26                          |
| South America   | 7,1%                | 18,9%                 | 10                          |
| Oceania         | 25,4%               | 0,0%                  | 9                           |

The data show that the public debt is constantly increasing regarding the impact of income tax changes on the amount of public debt. It can be observed in Graph 2 that there is a significant deepening of the deficit after the introduction of the "flat tax". Thus, the average deficit in 2002-2006 was 1.1% of GDP, while the average deficit in 2007-2013 was 2.3%, with a pronounced growth trend in 2020. Hence, it could be said that the budget deficit has deepened after the flat tax reform (Gatcev et al. 2016).



**Chart 2: Movement of the Public Debt in the Period from 2002 to 2021**  
(Source: Ministry of Finance 2023)



## CONCLUSION

The analysis of the legal-normative part as well as the results of the empirical analysis of the development stages of the income tax in RNM confirm the hypothesis that the numerous amendments and additions to the normative framework did not contribute to the establishment of the principle of justice, especially in the area of horizontal and vertical justice, as well as the redistributive role of the tax. The introduction of the flat tax led to the violation of the principle of vertical justice. On the other hand, horizontal fairness was violated due to the inconsistent application of the principle of taxation according to the net subjective principle and the broad tax base, especially with the reform of 2018 when the synthetic tax was abandoned. The idea of fair taxation, normatively regulated within the third reform phase, in today's retrospect, proved to be unfeasible; after only one year of implementation, progressive taxation was postponed for two years so that at the end of 2023, the flat tax would be returned. The current normative framework in the taxation of the income of natural persons means the return of the flat tax and proportional rates.

The empirical analysis showed that the changes in the arrangement of the income tax on changes in the amount and structure of the total tax burden in the period from 2005 to 2022 show that the RNM is a state with the lowest percentage of income tax participation in total tax revenues. When compared with European countries that are members of the OECD.

Regarding the number of tax rates, at the level of Europe, RNM is among the countries with the lowest tax rates on income tax. On the other hand, income tax revenues, as a % of GDP, show a constant decrease in revenues after the introduction of the flat tax. Regarding the impact of changes in the income tax on the amount of public debt, the data show that the public debt is constantly increasing, with a significant deepening of the deficit after the introduction of the flat tax. Consequently, social justice is violated not only on the revenue side of the budget but also on the expenditure side. Regarding the redistributive role of the income tax, the data show a high level of inequality in the income distribution.

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# SOVEREIGNTY OVER THE PARACEL ISLANDS IN 1884-1945: AN APPROACH FROM THE RIVALRY BETWEEN FRANCE, CHINA, AND JAPAN

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**Abstract:** *The Paracel Islands are situated in the South China Sea geographic center and have an important strategic location for the military and the economy. Since 1884, France has represented the Vietnamese state as a protectorate to manage the archipelago. In the context of France seeking to expand its influence into the Asia-Pacific region, disputes over sovereignty over the Paracel Islands occurred during the colonial period between France (representing Vietnam), China, and Japan. The article aims to analyze the importance of the Paracel Islands in the policies of France, China, and Japan in general. Moreover, the specific activities of France in the struggle with China and Japan to affirm and protect sovereignty over the Paracel Islands would also be analyzed. Based on primary and secondary data, along with historical research methods, research methods in international relations, and other interdisciplinary research strategies, the article concludes that the Paracel Islands play an important role in the strategies of France, China, and Japan. Hence, the Paracel issue in this period has gone beyond the framework of traditional territorial disputes, becoming "internationalization" with consequences that persist to the present day. France's policy to exploit and administer the Paracel Islands was persistent, thorough, and systematic in the military, economic, political, and diplomatic spheres.*

**Keywords:** *Sovereignty Dispute; Paracel Islands; France; China; Japan*

## INTRODUCTION

Paracels (Hoang Sa in Vietnamese/Xisha in Chinese) is an archipelago located in the North of the South China Sea (Bien Dong or, East Sea in Vietnamese/West Sea in the Philippines), stretching from about 15°45'-17°15' N to 111°-113° E, i.e., about 120 nautical miles from Ly Son Island (Quang Ngai, Vietnam) (Van 2015). It is about 160 nautical miles from Paracel Island (the archipelago's main island) to the nearest coast at Hainan Island (China) (Nguyen 2012, 168), 450 nautical miles to the Philippines, and 620 nautical miles to Taiwan. The archipelago consists of about 37 coral islands, reefs, and half-submerged sandbanks and is divided into two groups of islands: Amphitrite (An Vinh, east) and Crescent (Luoi Liem, west) (Van 2015). The Paracel Islands are located in the South China Sea - a strategically critical body of water for countries in Southeast Asia, Asia-Pacific, and the whole world, with great potential for minerals and seafood resources as well as favorable conditions for economic development at the same time. The archipelago was under the administration of Vietnamese feudal dynasties from at least the 17th century, which continued to be fortified and maintained in the next two

centuries before the French arrived (Nguyen 2012, 185). As a state with sovereignty over this archipelago, the management and exploitation of Paracel Islands by Vietnamese feudal dynasties mainly focused on constructing infrastructure, granting fishing licenses and collecting fishing tax, organizing rescue, patrol, and protection, etc.

In 1884, the royal court of the Nguyen dynasty in Hue signed the Patenôtre Treaty to accept French protection in Annam (Trung Ky) and Tonkin (Bac Ky). With this treaty, the French were responsible for representing the feudal state of Vietnam in all foreign affairs and the defense of territorial sovereignty.

The sources of information used in this article can be divided into three categories: (1) official letters, reports, directives, decrees, and decisions of the French government and the French colonial administration in Indochina; French newspapers in Indochina at that time which were currently archived by Ministry of Foreign Affairs of the French Republic (mainly in French), Vietnam National Archives II and Paracels Data Center of Vietnam. These are an important source that documents many issues relating to the Paracel Islands as well as French activities towards the archipelago; (2) published research works by Vietnamese and foreign organizations and researchers; (3) records of officials in the French colonial government in Indochina, records of court officials of Nguyen dynasty, and survey data collected by the authors.

This research is based on the utilization of these abundant sources. To supplement the findings of previous scholars, historical and logical research methods are employed, adopting an international relations-based approach.

The aim is to provide a comprehensive and in-depth perspective on the legality of France as the protector state of Vietnam, along with the specific French activities in the struggle with China and Japan to assert, exercise, and defend sovereignty over the Paracel Islands from 1884 to 1945. The article also uses interdisciplinary/transdisciplinary methods, such as analysis, statistics, comparison, etc., to observe, analyze and assess research issues more scientifically and objectively.

## **HISTORICAL BACKGROUND AND THE PROCESS OF TAKING OVER THE PARACELS ISLANDS BY THE FRENCH**

Since the 16th century, after the success of many geographical discoveries, the worldwide development of Western capitalism accelerated the search for colonies in the East. As a country located on the eastern edge of the Indochinese Peninsula, the crossroads of major cultures and a major bridge between mainland Southeast Asia and maritime Southeast Asia, Vietnam was soon listed among the targets of Western colonialism. Implementing colonial annexation, from the end of the 16th century, Western countries, especially France, gradually established their presence in Vietnam through Christian missions and trade. However, after two centuries of “peacefully” conquering Vietnam ended with no results, the French decided to invade the country utilizing military forces. In 1843, Prime Minister Guizot of France publicly declared French strategy in the Far East: “We need two guarantees in the Far East: a permanent naval base in Chinese waters and a solid colony adjacent to China, etc. France cannot be absent in such a large part of the world, while other European countries already have bases there” (Nguyen 2002, 264).

On 22 April 1857, Napoleon III - Emperor of France - decided to establish the "Commission de la Cochinchine" (Cochinchina Commission) to "reconsider" the Treaty of Versailles signed with Nguyen Anh in 1787 as a pretext to legally bring troops to invade Vietnam. Through 7 meeting sessions (from 28 April to 18 May of 1857), the commission concluded that "for the benefit of France in all three aspects of morality, politics, and commerce, it is necessary to proceed secretly and as quickly as possible to capture three main cities of the Kingdom of Annam (Vietnam)" (Nguyen 2002, 268). Based on this resolution of the Commission, Emperor Napoleon III ordered Rigault de Genouilly - Vice Admiral of the Navy, to command the French fleet in the Far East to invade Vietnam in coordination with the Spanish army.

On 1 September 1858, the Franco-Spanish coalition opened fire on Son Tra Peninsula and captured Da Nang in an attempt to carry out a "lightning attack". However, facing resistance from the Vietnamese army and people, the French army was isolated and bogged down on the battlefield of Quang Nam - Da Nang. On 4 January 1859, Rigault de Genouilly reported back to France: "We are going downhill in Da Nang. All means of improving the situation for the infantry and the navy were exhausted and void" (Nguyen 2002, 267). In the face of that tragedy, De Genouilly proposed to redirect to Gia Dinh (Cochinchina - Nam Ky), reasoning that:

Saigon is located next to a river that our [French] battleships can approach easily. Soldiers can also land and capture the city right away without having to carry weapons and food over a long distance, etc. Saigon is an important granary which provides a large part of food for people and soldiers in the imperial city of Hue. Usually, around March, rice-carrying boats will go north, so we will block them (Governor 1859, 31).

On 2 February 1859, Rigault De Genouilly sent two-thirds of his troops and 8 of his 14 battleships in Da Nang to the South and quickly captured Gia Dinh. Subsequently, the royal court of the Nguyen dynasty (in Hue) signed with France the Treaty of Saigon (1862), the Treaty of Saigon (1874), the Harmand Treaty (1883), and the Patenôtre Treaty (1884) to establish the French colonial rule in Vietnam, which led to the formation of three regions with three different regimes: the two protectorates of Tonkin (Bac Ky) and Annam (Trung Ky), and Cochinchine (Nam Ky) as a French colony. According to the terms of the Patenôtre Treaty, from 1884, France replaced Vietnam (Hue royal court) in all foreign affairs and the defense of territorial sovereignty (Christopher 2021, 667). Annam recognized and accepted France's protection. On the other hand, France would represent An Nam in all diplomatic relations (Raoul 1929). Annamese people living abroad were protected by France (Nguyen 2015, 124). Regarding the two archipelagoes of Paracels and Spratlys: "The French government has established its colonization of Annam and since these islands [Hoang Sa (Paracels) and Truong Sa (Spratlys)] belong to Annam, France has ownership and custodial responsibility towards this new territory" (Sauvaire 1933, 385-387).

On 17 October 1887, exercising the right to protect the French state, the President of France issued a decree to establish the Indochinese Union (Union Indochinoise) consisting of 6 regions: Cochinchina (Nam Ky), Tonkin (Bac Ky), Annam (Trung Ky), Laos, Cambodia, and Guangzhouwan. Then, in 1888, the French pressured the Hue royal court to sign Royal Edict No. 1 to turn the three cities of Hanoi, Hai Phong, and Da Nang (including the Paracels) into



concessions of France, with the same colonial governance mechanism as Cochinchina (Arthur 2002). At this point, the Paracels, in terms of international law, were completely separated from the administration of the Hue royal court and became a territory of the French Union.

From having the responsibility to protect, France managed to have full sovereignty over the archipelago.

## **FRENCH ACTIVITIES AGAINST CHINA AND JAPAN TO ASSERT, ENFORCE AND DEFEND SOVEREIGNTY OVER THE PARACEL ISLANDS**

### **Struggle with China**

Vietnam and the world were already aware of the Paracel and Spratly Islands from an early period, at least as early as the 14th-15th centuries. However, by the end of the 19th century, the feudal state of Vietnam had established sovereignty over these islands for two centuries following the legislation of that period. Notably, during this time, no disputes were raised by any country regarding Vietnam's sovereignty over these islands (Monique 1996, 33, 103). In 1895 and 1896, when the two ships of *Le Bellona* (Germany) and *Imezi Maru* (Japan) sank in the area of the Paracels while carrying copper for British merchants, the Chinese sent canoes to steal the copper and sold it in Hainan. The insurance company and representative of the British government in China demanded that the Chinese be held accountable; however, the Chinese government refused because "[...] the Paracel Islands (Hoang Sa) are not of Chinese ownership, and they are not administratively incorporated into any county of Hainan" (Monique 1996, 103), therefore China was not responsible for the issue (Indochina 1898a, 3). This event was reported by the French colonial government in Vietnam to the Governor-General of French Indochina on 31 August 1898 as follows:

I urge you to pay special attention to some passages in the report concerning the British insurance company's claim in the hijacking of *Le Bellona* and *Imazi Maru*; in this regard, China has stated that the 'Paracel Islands are abandoned and do not belong to China, but to Annam' (Indochina 1898a, 4).

This is proof that until the end of the 19th century, the authority in the southernmost part of China had no idea about the Paracels (which are closer to China), let alone the Spratlys (which are very far from China) (Vu 2015, 355-356).

Due to early awareness of the strategic position of the South China Sea (including the Paracels and the Spratlys) in the exploitation of Indochinese colonies, the French government in the mother country and the colonial government in Indochina soon occupied and exercised control over the Paracels (and the Spratlys, too) with many activities in terms of politics, military, economy, science and technology, and diplomacy, as well as regularly reinforced the management of these islands. On 18 February 1929, the Minister of the French Navy (acting Minister of the Colonies), in reply to the Minister of Foreign Affairs regarding the Paracels, noted: "For this group of uninhabited islands (Hoang Sa), Annam has historical rights that are far

more difficult to dispute than those that the Republic of China may claim, and France is obliged to preserve the territorial integrity of the protected state" (Governor 1929, 32).

In 1899, Paul Doumer (Governor-General of French Indochina) proposed a scheme and asked the French government to build a lighthouse on the Paracel Islands (Sauvaire 1933, 385-387). The construction of this lighthouse was intended not only to assert sovereignty and serve ships circulating in the South China Sea, but as the French saw it, this would also serve as a significant source of maritime tax from international merchant ships passing through this area. According to calculations, a detour will slow down the course of each ship by 4 to 5 hours and cost it 200 to 300 French francs more. The amount will be huge if multiplied by 1000 ships (Cucherousset 1929a). Not to mention, the construction of the lighthouse will also further assert French sovereignty in the name of the protectorate of Annam: "The Governor-General of French Indochina has informed me that he also agrees with Mr. Pichou that we need to assert our sovereignty over these islands [the Paracels] on this occasion. And the best way to assert sovereignty is to build a lighthouse there" (Indochina 1899, 2). However, "the project implementation is halted due to the very expensive cost of building and maintaining the lighthouse. Our colonial budget needs to be used for more pressing needs" (Saix 1933).

Under French management, fishing activities in the Paracel Islands were quite active and usually occurred at the end of the Northeast monsoon period (Cu 2012, 85-87). Fishermen often caught sea turtles and cucumbers around the islands (Madrolle 1939). In addition to Vietnamese fishermen who caught fish and sea turtles and gathered seaweeds, some Chinese fishermen used nets to catch turtles and sea cucumbers, and Japanese fishermen mined and gathered seaweeds (Cucherousset 1929a). The French colonial government determined that the fishing of Chinese or Japanese fishermen in the Paracels did not lead to the establishment of their countries' sovereignty over these islands because "French fishermen also do the same on Terre Neuve, but the island is still of British possession" (Madrolle 1939). In order to support fishermen's work, the French colonial government intended to establish in the Paracels a seafood production and logistics facility for fishing, as well as took into account the use of modern fishing tools (such as bottom trawl) (Cucherousset 1928). However, a survey in the Paracels showed that, although many species of fish can be found there, the seabed in this area is rough, and there are many corals reefs, thus making it difficult to use industrial fishing nets (Sauvaire 1933, 385-387).

In 1898, the French colonial government intended to grant licenses for private companies to exploit the islands (Nguyen 2012, 185) and to build a supply depot in the Paracels for ships and boats, for which fees would be charged annually. In December 1898, the Minister of the Colonies of France sent a telegram to the Governor-General of French Indochina: "The Minister of Foreign Affairs informed me that Mr. Chabrier, a Paris-based journalist, has proposed the collection of the annual fee to allow for the construction of some supply depots for fishermen in the Paracel Islands" (Indochina 1898b, 3). However, for various reasons, this work was not carried out. The telegram dated 26 July 1899 from the Minister of the Colonies to the Minister of Foreign Affairs read:

Through the telegram dated 5 October 1898 that you sent to inquire my opinion about collecting annual fees for granting licenses to establish supply depots for fishermen in the Paracel Islands, as proposed by the

Paris-based journalist Chabrier. I am honored to inform you that, according to some of the information Mr. Doumer sent me (...) the fishermen who often cross the waters have no need for this, and the project also touches on a sensitive funding source. On the other hand, the lives of other fishermen would also be in danger if the government can only allow one of some countries to set up supply depots in the islands" (Indochina 1898b, 2-4).

Signs of the dispute between France and China over the Paracel Islands can be seen as starting from the event in May 1909, when Li Jun (李準) - Admiral of the Qing Navy, took a brief visit to some islands there (Hurng 2014, 174) and had some symbolic actions (planting the flag on Phu Lam Island, firing cannons) before returning to Guangzhou on the next day (Nguyen 2012, 186). Although the French consul in Guangzhou had sent a letter back to France reporting a violation of sovereignty, the French authority did not prevent the abovementioned survey because they thought that those actions of the southern Chinese administration were only "a naval rite in the expedition" (French Ministry of Foreign Affairs 1936). Furthermore, during that period, France was not interested in claiming ownership of the Annam islands, the state it protected under the Patenôtre Treaty. Additionally, France lacked awareness of all the issues concerning Vietnam at the time (including the country's sovereignty over the Paracels) (Monique 1996, 33); at the same time, the French colonial government was afraid that its prevention might give rise to a chauvinist movement among Chinese people that might be harmful to French interests in China (Dung and Chau 2015, 243), etc. For these reasons, France was not actively deterring the actions of the Southern Chinese administration. However, French Navy cruisers continued being sent to South China Sea islands for patrol. French researchers and social activists harshly criticized the attitude of the French colonial government in Hanoi for being slow to respond to the actions of China (Ho 2014).

Taking advantage of this indecisive attitude, on 30 January 1921, the local government of Guangdong Province signed Document No. 831, announcing the annexation of Paracel Islands (which they called Xisha) into Zhuyan District, Hainan Island, Guangdong Province. In response to China's action, on 6 May 1921, the French consul in Yunnan, China, sent a notice to the Governor-General of French Indochina about the benefits brought by the geographical location of the Paracels and the scrutiny of surrounding countries for islands in the South China Sea (Ha 2020, 103). This notice and contemporary public opinion (especially the French press in Indochina) prompted the French colonial government to further strengthen its control over the South China Sea after the First World War (Luu 2022, 46). On 8 March 1921, the Governor-General of French Indochina declared the Paracels and the Spratlys to be French territories. It argued that the annexation of the Paracels by the government of Southern China was completely unfounded (Governor 1930a, 12) and that this administration was not an entity representing China (Da Nang 2012, 626). In March 1925, the Governor-General of French Indochina reaffirmed the Paracels and Spratly as French territories (Truong 2014, 134). As part of the mechanism for protecting the general sovereignty over territorial waters of French colonies, on 9 December 1926, Alexandre Varenne - Governor-General of French Indochina, approved a Decree regulating the application of French Law dated 1 March 1898 to the colonies (including

Nam Ky, Bac Ky, and Trung Ky). Accordingly, this law prohibits fishermen from foreign countries from fishing in colonial territorial waters, defined as those three nautical miles from the baseline following the lowest tidal line (Phan 2009, 25). In addition, the French colonial government also assumed responsibility for its sovereignty in the Paracels and stepped up its patrol, control, and scientific research activities (Ha 2020, 105).

In the first two decades of the twentieth century, in order to strengthen control, ensure security, combat piracy, ensure maritime transport (Cucherousset 1931), as well as exploit economic benefits from seas and islands, the French navy regularly patrolled the seas to maintain security and assist sunken ships; at the same time, delegations were continuously sent to survey resources and affirm the protection policy of the French government over the Paracel Islands:

Ships of French Indochina's Directorate of Customs and Excise occasionally visit here and there among islands of the archipelago and sometimes interfere with Annamese and Chinese fishermen who practice there, first and foremost to stop the practice of selling their catches along with women and children, or to prevent the smuggling of arms or opium (Sauvaire 1933, 385-387).

Starting from 1925, the French colonial government initiated marine surveys in the vicinity of the archipelago (Nguyen 2012, 185). In that same year, the Fisheries and Oceanographic Service of Indochina, led by Dr. Krempt, along with prominent French scientists including Delacour, Jabouille, and others, embarked on a survey mission aboard the trawler *De Lanessan* to investigate the geology of the ocean banks, marine life, and the impact of monsoon influences in the Paracel Islands. The survey report stated that:

The archipelago is made up of 36 rock islands and numerous underwater ones. This poses as a danger for traffic on the water here. These islands are scattered in a wide area, between 15-17° N and 111-113° E, 150 miles east of Da Nang (Trung Ky Sea). During monsoons and high tides, it is difficult for ships to get close to these islands, etc. The ocean floor in the Paracels is at least 1,000 m deep, with a steep cliff of 40 to 100m from the sea surface (Indochina 1930).

Then, Dr. Krempt proposed establishing an observatory, a shortwave radio station, a lighthouse, and a haven for fishermen to shelter from storms and protect the boats of Annamese fishermen (Cucherousset 1925, 1-3).

In 1931, the dispute between China and France over the Paracels again emerged, as China was required to concede the right to exploit the excrement of seabirds on these islands to the Anglo-Chinese Development Company (Nguyen 1998, 43). Facing such absurd requirements, France presented historical and legal grounds for Vietnam's long-standing sovereignty over the Paracels, where France was the legal protector. At the same time, the French protested by sending a message to the Chinese legation in Paris about the intention of the Guangdong government to organize a bid to exploit bird excrement on the Paracels (Luu 2022, 51). Next, on 29 April 1932, the French colonial government continued to inform China of its sovereignty over

the Paracels; its appeal clearly stated the historical titles and proof of occupation of the state of Annam and later France (Luu 2022, 52). Unable to refute the clear historical and legal evidence, the Chinese authority said that during the reign of King Gia Long, Annam was a vassal of China; therefore, the Paracels and the Spratlys also belonged to the Chinese feudal dynasty (Valero 1914). The vassalage of Vietnam to China was only ever nominal; Vietnam was always an independent sovereign State (Ferrier 1975, 180-181). In 1937, France offered to resolve the matter either amicably or through mediation. However, China did not respond to this proposal (Hurng 2014, 174). Commenting on these events, the 15 March 1934 issue of the *La Croix* said: "When China claimed (sovereignty) in 1909, France had been representing Annam with a view in its foreign relations and under the protection treaty, so France asserted the right of the protected state on the islands in question" (Dans 1934, 3).

In 1930-1938 the French Navy increased patrols, set up administrative units, and stationed troops on some important islands in the Paracels. In 1930, France conducted patrols and surveys in the Paracels by the warship *La Malicieuse*; in 1931, the ships *Inconstant* and *De Lanessan* were sent by Indochina Institute of Oceanography to patrol, survey and claim sovereignty over the Paracels in the name of the state of Annam; in 1932, the gunboat *Alerte* was sent to the Paracels (Ministry 2013, 22); on the 7th and 10th of April 1933, dispatch boats *Astrolabe* and *Alerte* were sent to the Paracels to set up landmarks of sovereignty; at the same time definitively declared French sovereignty over the Paracels in July 1933 (Jing and Andrew 2015). The French "patrol ships often sail around Phu Lam Island (Ile Boisee), Tay Island (Ile Onest) and Tree Island before stopping at Paracel Grand Island" (Jing and Andrew 2015, 1-2). At the same time, in 1938, the French colonial government re-erected the stele of Vietnam's sovereignty in the Paracels dating back to 1816 in the Nguyen dynasty and added the words: "République Française - Royaume d'Annam - Archipels des Paracels 1816 - Ile de Pattle 1938" (French Republic - Kingdom of Annam - Paracel Islands 1816 - Hoang Sa Island 1938)" (Nguyen 1998, 43-44), and sent a unit of guards to station on these islands. French and Vietnamese troops stationed in the Paracels were equipped with motorboats to patrol islands and drive away ships from other countries (Governor 1960, 4). Landing a Tonkin platoon on these islands proved that the French were particularly interested in the Paracels.

Regarding this event, the *Affaires Étrangères* on 4 July 1938 reported: "In order to ensure maritime safety on the waters around Paracel Islands, the French Indochinese government has deployed Annamese security guards there" (La Vie 1938, 482). After returning to the mainland, Vietnamese soldiers who protected the Paracels were praised by the government and paid considerable respect: "A ceremony was held in Hue to honor the individuals who distinguished themselves in this work. This solemn ceremony ended with great appreciation to the guards and their equipment" (Echos 1939, 2).

In the early twentieth century, a series of shipwrecks occurred in the rocky snouts around the Paracel Islands, greatly affecting the movement of ships as well as business activities, market search, and colonial expansion to the East by Western colonial capitalist countries (France, UK, Netherlands, etc.). In 1929, after a survey trip to the Paracels, a delegation led by Perrier De Rouville proposed constructing four lighthouses on the islands of Tri Ton, Ran Bac, Linh Con, and Bong Bay (Foreign 1982, 4). In 1937, Chief Public Engineer J. Gauthier, on behalf of the French colonial government, sent a survey team to Paracel Islands to assess the conditions for

constructing a seaplane parking lot, as well as study the conditions for settlement here and find a location to build a lighthouse (Do 2019, 41). Also, in 1937, the two ships, Paul Bert and Astrolabe, transported people and materials for the lighthouse construction, which was completed in 1938 (Luu 2022, 56). The lighthouse was a concrete tower located on a strip of coral sand with coordinates of 16°32'2" N, 111°35'8" E, southwest of Pattle Island (Hoang Sa Island), which belongs to the Crescent Group in the Paracel Islands. The beacon was made by the Paris-based Barbier Company, Bénard et Turenne (Phuong 2014). It could burn continuously for six months by catalytic gas and could be seen from 12 nautical miles in normal weather conditions (Bui 2012, 78-79). French colonial government stationed a garrison here to guard the lighthouse day and night (Luu 2020, 11).

Along with the construction of lighthouses, the French colonial government also proceeded to build a radio and weather station in the Paracels to "issue weather warnings" (Sauvaire 1933, 385-387), as well as create a haven for fishermen to avoid storms and protect Annamese fishermen (Cucherousset 1925, 1-3). As early as November 1908, the Director of the Central Observatory under Indochina Meteorological Service proposed to build a weather and radio station in the Paracels:

With this project, it is necessary to have a large amount of capital to ensure waterway traffic security in the South China Sea, especially in the Indochina coastal area, etc. According to the map of the Far East, we can see the benefits of this project. The remaining issue is whether we should let another country bear the full cost of building a meteorological station on Tri Ton Island or whether we will be responsible for this work. Either way, this project will profit us hugely (Ministry 2013, 18).

On 29 April 1911, the Director of the Central Observatory under the Indochina Meteorological Service continued to propose the construction of a weather and radio station in the Paracels:

Let me not mention the considerable benefits of building such stations in the colony, as those are evident in terms of forecasting cyclones here. I have reason to believe that, for the reputation of French science, the Department of Education can hardly refuse to support a project that brings about many scientific and practical benefits (Indochina 1908, 19).

In 1937, the construction of the Paracel meteorological observatory, which later became known as "*Station d'Observation 836*", was carried out. Since then, the weather forecast has been conducted relatively accurately (Nguyen 1974, 195). In 1949, the World Meteorological Organization (OMM) officially recognized Paracel meteorological stations and registered them in the list of international meteorological stations as follows: "Phu Lam Station - No. 48859, Hoang Sa Station - No. 48860, Ba Binh Station (Spratly Islands) - No. 48419" (Tran 1974, 109). Also, during this time, France set up a radio station (TSF) in the Paracels to communicate with the mainland (Bui 2014, 78). *Journal des Débats Politiques et Littéraires* on 4 July 1938 reported these events as follows:



To ensure the safety of maritime navigation in this area, the Indochina government has installed permanent lighting. Small detachments of Annamese security guards were sent there to protect these structures, and a weather station was built on these islands to detect storms (p. 6).

On 15 June 1932, the Governor-General of French Indochina signed Decree No. 156-SC, establishing an administrative unit called Delegation of the Paracels (*Délégation des Paracels*) and annexed these islands to Thua Thien Province. This administrative unit was located far from the provincial capital and was headed by a French minister or officer. Its headquarters was based on Paracel Island (Nguyen 2017, 282) and managed by the military force on behalf of the Minister (Governor 1930a, 61). On 5 May 1939, Governor-General of French Indochina Jules Brévie continued to sign Decree 3282 to split the Paracel delegation into two units (Monique 1996, 97). At that time, the Paracels consisted of two administrative units called *Délégation administrative des Paracels* (Administrative Delegation of the Paracels) under Thua Thien Province, each headed by a Delegation of the Paracels (*Délégation des Paracels*): Nguyet Thiem (Crossant) and its neighbors; and An Vinh (Amphytrite) and other areas in the vicinity. Administrative envoys who headed these two agencies as representatives of the French legation to Thua Thien permanently resided on Hoang Sa Island and Phu Lam Island (Truong 2014, 133) and were entitled to allowances from the local budget of Trung Ky according to provisions (Bulletin 1930). Thus, under the administration of the French colonial government, the administrative bodies directly in charge of Paracel Islands were administrative delegations established under Decree 156-SC (1932) and Decree 3282 (1939) of the Governor-General of French Indochina. In terms of civilian forces, there were scientific research agencies, such as the Indochina Institute of Oceanography; customs force; military forces, including garrison troops, battleships, and cruisers (mainly of the French army) (Ha 2020, 119-120).

China opposed the actions of France in the Paracel Islands by relying on the terms of the Franco-Chinese Treaty that the two countries concluded on 26 June 1887. This treaty was signed by France (representing Vietnam) and China for border delimitation in the Gulf of Tonkin. It stipulated that the islands east of 105°43' belong to China (Zou 1999) (including the Paracel Islands). Thus, China argued that by the treaty, it gained sovereignty over the Paracels from the French (Hungdah and Choon 1975, 11) because, at that time, France had sovereignty over Vietnam, including the Paracel Islands. However, the purpose of the Sino-French treaty was to determine the border between Tonkin (Vietnam) and China, as stated in its title mentioned (Treaty on the Delimitation between China and Tonkin) (Governor 1930a).

Moreover, the Paracel Islands are located in Trung Ky and were never mentioned in the negotiations to sign the treaty (Christopher and Dalbir 2021, 668). On 10 July 1938, Chinese Ambassador to France, M. Wellington Koo, met with French Minister of Foreign Affairs, Georges Bonnet, to express China's position on sovereignty over the Paracel Islands: "Currently, the presence of France in the Paracels is much better than the Japanese occupation; however, China also always reserves its opposition to the French occupation of the Paracel Islands" (Les îles 1938). In response to China's position, Minister Bonnet affirmed Vietnam's sovereignty (which the French now represent) over the Paracel Islands by citing historical data and affirmed that the presence of the French in the Paracels is inevitable to protect French interests (Nguyen 2016,



51). France's actions demonstrate its determination to fight China to assert, enforce and defend its sovereignty over the Paracel Islands.

## **Struggle with Japan**

After the Patenôtre Treaty in 1884, France imposed its domination on Vietnam and later Indochina with policies to expand its influence in the Asia-Pacific region. As a major power with vital interests in the region, especially at sea, France (a naval power at that time) greatly threatened Japan's strategic interests. Therefore, Japan first sought to expand its influence in the South China Sea to compete with France and sabotage China (Nguyen 2016, 51). In the early decades of the 20th century, Japan paid great attention to its interests in the South China Sea (including the Paracels and the Spratlys) to realize the goal of becoming a highly influential empire in Asia. In 1907, two Japanese citizens named Komatsu Shigetoshi and Ikeda Kinzo announced the discovery of the Paracels (Hoang Sa) and the Spratlys (Truong Sa), then proposed to the Japanese Ministry of Foreign Affairs the annexation of these two archipelagos to the Empire of Japan (Granados 2008, 123-124). Since then, many Japanese fishing boats moved south and operated in the seas of the Paracels and the Spratlys (Kazumasa 1986). Japan's first violation of sovereignty was committed in the Spratly Islands in 1917 by the arrival of mineral exploration vessels in the Ba Binh and Song Tu islands. In 1917-1919, the Japanese held three surveys in this group of islands (Granados 2008, 445) and later built houses, harbors, and light rails to transport and exploit bird excrement there. These actions were carried out in the Spratlys until 1920 when the number of Japanese workers reached more than 300 (Nguyen 2018, 65).

After initially building a mining facility in the Spratly Islands, Japan sought to expand its influence and see stakeholders' attitudes by proposing to France a license to exploit resources in the Paracel Islands. On 20 September 1920, the Japanese company Mitsui Bussan Kaisha contacted the Commander of the French Navy in Saigon (Raul 2014, 26) and received a very general answer without a clear affirmation of French ownership of the archipelago at that time. This enabled Japan to realize its ambitions (French 1921). Japan conducted a project to exploit bird excrement in the Paracels without the permission of France or China (Tønnesson 2006, 4).

The Japanese established on Huu Nhat Island (named Robert in French) a small railway and a 300-meter-long wharf to exploit (Saix 1933, 237) resources on Phu Lam Island and Huu Nhat Island in the Paracels. Most of the mining workers came from Okinawa Prefecture (Japan) (Kazumasa 1986), while some were from China, and they were monitored by a Filipino manager (Cucherousset 1929b). The survey report on the Paracel Islands by a delegation from the Indochina Institute of Oceanography in 1926 said:

In June 1926, as we arrived, they had already left as the resources were exhausted, and switched to mining on Huu Nhat Island (...) and apparently, the Japanese exploited phosphate mines with reserves of millions of tons. This company mainly exploits phosphate in bird excrement on sand and limestone found in the corals on the island's surface. This is exactly what the Japanese exploited first (Indochina 1930b).

According to one document, in 1925, the Government of Taiwan, under Japanese rule, collected 7,200 tons of phosphate and 36,000 tons in 1926-1927. In 9 years (1919-1927), the estimated amount collected was 80,000-90,000 tons (Nguyen 2018, 67).

The exploitation of phosphate by the Japanese in the Paracels, as allowed by the Commander of the French Navy in Saigon, was strongly condemned by the French Indochina press, as the Japanese paid no tax to Annam but still gets the right to exploit phosphate in the territory of Annam. Theoretically, only the French and Spanish have the same right as the Annamites (People's 2014, 12). Later, Japanese phosphate mining in the Paracels worried French officials that Japan might violate sovereignty over this archipelago. Therefore, the French government further tightened its control over the South China Sea. In addition to increasing patrols, control, and implementation of scientific research, etc., in 1921 and 1925, the Governor-General of French Indochina successively claimed French sovereignty over the Paracel Islands (Luu 2022, 58). The successive claims of sovereignty and tightening of French maritime patrols sparked rumors that France wanted to take phosphate mining rights from Japan in the Paracels and the Spratlys. *L'Europe nouvelle* on 2 January 1921 commented:

About three hundred kilometers off the coast of Annam, there is a group of wild rocks, which is the Paracel Islands. Recently, the Japanese consul wrote to the authorities in Indochina to ask if France claims sovereignty over the archipelago. The answer was given inconclusively. Not officially, but the person who drafted the plan thought that a submarine base in the Paracel Islands would be enough to block all the coasts of Indochina.

In 1927, Kurosawa, the Japanese consul in Hanoi, stated that, at the behest of the Japanese government, the Paracels were not discussed because Japan did not dispute the sovereignty over it with France as it was arbitrarily placed under the rule of the Japanese colonial government in Taiwan (Ministry 1975, 101). Countering Japan's arguments, on 25 July 1933, France continued to announce its unchanged position on sovereignty in the Paracels and the Spratlys. Shortly after that, on 21 August 1933, the Japanese Ambassador to France, Sawada, protested: "The sovereignty here belongs to Japan, and Japan has the right to exploit bird excrement here" (Kazumasa 1986).

After a period of tension, in August 1934, in a treaty signed in Paris with France, Japan firmly stated that it had no interest in the Paracel Islands (Monique 1996, 112). However, Japan's increased actions in the South China Sea worried France, so the French continued to conduct a series of activities to protect sovereignty over Paracel Islands. In February 1937, France sent a flotilla of cruisers named Lamotte-Picquet to investigate the situation in the archipelago. In October 1937, France sent a delegation to build a lighthouse on Paracel Island to assert sovereignty. Then, on 25 April 1938, the cruiser Duguay Trouin erected a flagpole and a stele stating sovereignty over the Paracel Islands and sent a unit of security guards to be stationed there (Service 1945). Also in 1938, Governor-General of French Indochina Jules Brévié signed a Decree to an administrative unit in the Paracel Islands under Thua Thien Province. In July 1938, the Governor-General of French Indochina directed the French army to seize the remaining island groups in the Paracels and issued numerous sovereignty claims.

On 3 July 1938, the French Ministry of Foreign Affairs announced France's possession of the Paracel Islands: "Due to the remarkable occupation of the Paracel Islands, in July 1938, our [French] Ambassador in Tokyo recalled the previous annexation of the Spratly Islands to France" (Claudius 1938).

The Japanese government opposed France's sending troops to occupy the Paracel Islands. On 8 July 1938, a Japanese representative sent a diplomatic note of protest against France, arguing that: (1) in 1920, Japan wanted to conduct mining in the Paracels, so a letter was sent to the Indochina government to inquire about sovereignty over the islands. General Loumy replied that the Paracels did not belong to the sovereignty of France; (2) in 1921, Guangdong provincial government issued a Decree annexing the Paracel Islands to the administration of the Hainan Island government (Le Japon proteste 1938). Japan cited the second reason because, at that time, Japan was strongly promoting invading China and capturing Chinese islands such as Taiwan or Hainan was its number one priority (Nguyen 2016, 49). The French government argued that all of Japan's appeals were unsubstantiated and a fallacy aimed at various purposes, on the one hand, to intimidate Guangdong provincial government, and on the other hand, to threaten the European-American powers who were still maintaining normal relations with China, first of all, France, because "the general strategy of the fascist bloc is to attack France comprehensively" (Le Japon proteste 1938). Commenting on this issue, author Bernard S. (1938) said:

Of all Western powers, France remains to be the most dynamic in the Far East. It shall be remembered that France did not tolerate the infiltration of Japanese troops into its Shanghai concession. At the end of June 1938, France gave another decisive testimony by occupying the Paracel Islands, which could become a naval base to threaten Indochina (p. 361).

In response to the arguments of the French press, on 12 July 1938, the Japanese newspaper L'Agence Domei issued a denunciation that France had brought six warships to the Paracels, as well as transported many weapons, equipment, and food for war to the archipelago (Les Iles Paracelles 1938). However, France completely denied this information and insisted on sending neither warships nor means of warfare to the Paracels.

After launching the invasion of China (1937), one year later (1938), Japan sent troops close to the Vietnam-China border. In preparation for the war in the Pacific, the South China Sea (including the Paracels and the Spratlys) played a critical role. Therefore, since the war broke out in the Asia-Pacific, Japan had clearly expressed its intention to seize the Paracels: "We, especially the naval forces, cannot leave the Paracels to be occupied as a military base because that would allow the naval forces of the powers to deploy new operations in the South China Sea region. We must tie this to the issue of national security and defense" (Indochina 1939). After seizing Hainan Island, despite French opposition, in March 1939, Japan invaded the Paracel Islands and announced the merger of both Paracel Islands and Spratly Islands into Japanese territory under the administration of the Japanese authority in Taiwan (Hurng 2014, 174) to serve the anti-American war in the Pacific. On 31 March 1939, in Tokyo, Japanese Foreign Minister M. Sawada met with the French ambassador to Japan, M. Henry Arsène, to announce the decision of the Japanese government (Le Japon aux 1939). Immediately, the French ambassador to Japan

handed over a diplomatic note of opposition to the Japanese Minister of Foreign Affairs (La France 1939) and launched a press campaign to protest against Japan's actions. On 5 May 1939, Governor-General of French Indochina Jules Brévié signed a Decree to amend the Decree dated 15 June 1938 and established in the Paracel Islands two administrative bodies.

In June 1940, France was occupied by the Nazis. Taking advantage of that opportunity, the Japanese fascist administration increased its pressure on the French colonial administration in Indochina and gradually aimed to replace France. After entering Indochina, Japan constantly forced France to make concessions by signing treaties in favor of Japan on all aspects of economy, military, culture, and ideology and gradually dominated Indochina. In order to legitimize its occupation, on 30 August 1940, Japan pressed France to sign a treaty for Japan to extend military authority across Indochina against the Allies. However, the French still maintained its ruling apparatus of the protector state, and Japan recognized French sovereignty (Ho 1975, 100). During the expansion of the occupation zone in the Asia-Pacific, Japan organized the construction of military structures, infrastructure, and submarine bases on several islands in the Paracels and the Spratlys (Michael and Jonathan 1997, 162).

From mid-1943, the war situation changed unfavorably for Japan, as Japanese troops were repulsed on a series of battlefields and suffered heavy losses in the Philippines, Burma, etc. In order to monopolize Indochina, on 9 March 1945, Japan carried out a coup d'état to oust France. All French troops in the Paracels and the Spratlys were taken prisoner, and the Japanese directly administered the two archipelagos. As World War II came to an end, Japanese troops gradually withdrew from the Paracels and the Spratlys. In May 1945, a detachment of French soldiers landed on the two archipelagoes and remained there for several months. From 20th to 27 May 1945, Admiral D'Argenlieu, High Commissioner of Indochina, also dispatched the speedboat L'Escamouche to take control of the situation in the Paracels (Nguyen 2010, 228). Then, with successive defeats on the Pacific battlefield, on 15 August 1945, Japan announced its surrender to the Allies. This event caused the Japanese troops throughout Indochina to lose their will to fight. On 2 September 1945, the Democratic Republic of Vietnam was established; in principle, the entire land territory and territorial waters of Vietnam must be returned to the administration of the government of the Democratic Republic of Vietnam. After September 1945, Japanese troops completely withdrew from the Paracels.

## CONCLUSION

Based on the exploitation of abundant sources (in French, English, Vietnamese), this article aims to clarify the activities of France in the struggle with China and Japan to enforce, assert and protect sovereignty in the Paracel Islands.

First, Vietnam and the world knew about the Paracels and the Spratlys very early (at least from the 14th-15th centuries). Before the French arrived, the feudal state of Vietnam was the only country to establish sovereignty over these islands in two centuries, according to the legislation of that period, without encountering any disputes from any country, and the whole world was aware of it. As the owner of these islands, the feudal state of Vietnam had carried out many activities such as organizing surveys and exploitations, erecting stelae, building temples,

protecting fishermen, setting regulations on rewards and penalties, fulfilling obligations to ensure international maritime safety and rescue of victims in the Paracels.

Second, Vietnam lost to the French invasion and was forced to sign the Patenôtre Treaty (1884) to accept French protection. Clause 2, Article 1 of the Treaty states: "Annam recognizes and accepts French protection. Meanwhile, France shall act on behalf of Annam in all foreign relations" (Duong 1981, 234). According to the Decree dated 17 October 1887 of the President of France, Vietnam was separated into three regions under the Indochina Federation. In terms of international custom and law, all activities of Vietnam (including the exercise of sovereignty over seas and islands) after the signing of the Patenôtre Treaty to 1945 (when Japan replaced France) were carried out by the French colonial government in Indochina and the French government.

Third, during the colonial administration in Vietnam, France never claimed to deny the sovereignty of Annam, which it was responsible for protecting. Although in the early stages, due to the lack of thorough understanding of all the problems in Annam and the interests of France, the colonial authority had to weigh the options, leading to the lack of determination in the struggle to protect sovereignty in the Paracels. However, when China and Japan voiced their claims to the Paracels, the French fiercely opposed and intensified their political, economic, scientific, military, and diplomatic activities. They regularly strengthened their management role in the islands. French activities in the Paracels are continuous, transversal, and systematic. In fact, until before the Japanese army seized the Paracels, the French had built lighthouses, set up weather and radio stations, erected sovereign stelae, organized marine surveys, conducted patrols, monitored and organized garrison troops, established administrative units, and annexed the Paracels to Thua Thien Province.

Fourth, it can be seen that in this period, the Paracels had gone beyond the framework of traditional territorial disputes and become an issue of "internationalization". As with many other related issues, the territorial dispute over the Paracels during this period acted as an excuse through which the parties took advantage of the opportunity, scrutinized others, and even used it to "bargain" or "deal" for their benefit.

In general, based on the above sources and analysis, it is shown that France, even before and after the Second World War, even when it was strong or weakened, attached great importance to the issue of Indochina in general and the issue of sovereignty over the Paracel Islands in particular. After all, those actions aimed to maximize the protection of French rights and interests. However, objectively speaking, those actions also contributed to the maintenance, development, and stricter organization of Vietnam's exercise of sovereignty over seas and islands from 1884 to 1945.

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# BANK PROFITABILITY DETERMINANTS: EVIDENCE FROM KOSOVO AND ALBANIA

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**Abstract:** *This research aims to examine the factors that impact the profitability of commercial banks in Kosovo and Albania. Profitability is crucial in the financial sector as it directly affects policymakers, regulators, and bank management. The study focuses on several determinants of bank profitability, including the number of employees, loan interest rate, non-performing loans, and total loans. The study employed quarterly secondary data spanning from 2010 to 2020, resulting in 400 observations. The analysis used multiple linear regression, influenced by the huge number of observations and the applicability of ordinary least squares (OLS) for such studies. This method allowed for a thorough examination of the interactions between the dependent and independent variables, providing a more in-depth understanding of the factors driving bank profitability. The statistical significance was determined using software such as STATA and SPSS. The dependent variables in the analysis are return on assets (ROA) and return on equity (ROE). The findings reveal that the loan interest rate, total loans, and non-performing loans significantly influence the profitability of the analyzed banks in Albania and Kosovo. Furthermore, the total number of loans and employees are statistically significant determinants of ROE. These findings provide valuable insights for bank management and policymakers in enhancing bank profitability and stability.*

**Keywords:** Bank Profitability; ROE; ROA; Non-Performing Loans

## INTRODUCTION

It is broadly accepted that a country's financial system significantly impacts its economic growth and development (Claessens and Horen 2021). Its principal duty is to enable the movement of assets from savers to investors and guarantee that these funds are directed into the most productive areas of the economy, promoting future development (Danso and Adomako 2014).

Foreign banks account for 85.0% of total assets in the Kosovo banking system (Central Bank of the Republic of Kosovo, 2023). Twelve banks currently operate in Kosovo, nine of which are foreign-owned. The banking sector has shown strong growth in the past few years, with several new banks entering the market and lending increasing significantly (Shabani, Morina, and Misiri 2019; Nuhiu, Hoti, and Bektashi 2017; Durguti, Krasniqi, and Krasniqi 2020). The performance of Kosovo's banking sector has been positive, with a decline in non-performing loans (NPLs) and an increase in profitability. However, the sector remains relatively small and underdeveloped compared to other countries in the region, and potential risks could impact its future development. Kosovo's bank number expanded from 5 to 11 between 2010 and 2018, with lending more than doubling.



According to the statistics for Kosovo, the average return on equity (ROE) for banks operating in the nation was 12.5% in 2017, which is somewhat higher than the region's average ROE (11.4%) (World Bank 2018b). The average return on assets (ROA) for Kosovo's banks was 1.6% in 2017, which is lower than the regional average of 1.8%. In summary, while Kosovo's banks are slightly more profitable than those in the region, they are less efficient regarding asset utilization.

Strong monopolization characterizes Albania's banking industry, with just three Banks controlling over 60% of all assets. Banka Kombetare Tregtare (BKT) is the largest Bank, followed by Raiffeisen Bank Albania and Intesa Sanpaolo Albania (Nure 2019; Hallunovi 2017; Cekrezi 2015). In addition to these bigger banks, the nation has many smaller indigenous and foreign-owned banks. Banking services are extensively available in Albania, with over 90% of the population having access to one. During the last decade, the industry has grown significantly, with consistently high-performance metrics such as ROE and ROA averaging approximately 20% and 2.5%, respectively.

Albania's rapid development in the banking industry may be attributed to several factors. One cause is the country's high economic development, which averaged 5% per year between 2007 and 2017 (World Bank 2018a). As a result, more individuals and businesses are now using financial services. Additionally, the Albanian government has implemented various reforms to improve the business environment and attract foreign investment, making it easier for banks to operate in the country and contributing to the sector's growth.

The primary goal of this research is to evaluate which factors will have the most significant influence on bank profitability in Kosovo and Albania between now and 2020. This study will examine the impact of various variables on bank profitability, such as bank size, non-performing loans, the number of loans, the interest rate on loans, and the number of bank employees. It will also determine which independent factors directly affect bank profitability.

After an introduction, the study continues to examine the literature on the factors influencing bank profitability. The third part describes the technique in-depth, including the econometric models and data sources utilized. The empirical results are reported in the fourth part, and the last portion includes closing comments and ideas for further study.

## LITERATURE REVIEW

Several studies have been conducted to identify the factors influencing bank profitability. These factors can be complex and interrelated, depending on the Bank's specific context and market (Uralov 2020; Devinaga Rasiah and Rasiah 2010; Dietrich and Wanzenried 2014; Saona 2016; Jara-Bertin, Arias Moya, and Rodríguez Perales 2014).

First, considerable research on the drivers of bank profitability has concentrated on macroeconomic factors such as economic growth, inflation rate, interest rate, money supply, and exchange rate (Joaqui-Barandica, Manotas-Duque, and Uribe 2022; Adelopo, Lloydking, and Tauringana 2018; Alper, Anbar, and Alper 2011; Qehaja, Gashi, and Hoti 2022). However, some research suggests that a rise in the economy's growth rate does not affect bank profitability (Sharma, Gounder, and Xiang 2013) or even have a negative effect (Tan and Floros 2012). Other research suggests it may raise demand for banks' financial services, improving bank profits



(Athanasoglou, Delis, and Staikouras 2022; Beck, Demirgüç-Kunt, and Levine 1999; Dietrich and Wanzenried 2014). Inflation (INF) may also impact bank profitability, according to (Pervana, Pelivan, and Arnerić 2015), as it plays a key role in the structure of interest rates. A higher inflation rate may lead to higher loan interest rates, resulting in greater bank profitability. Alternatively, higher interest rates may increase the risk of loan repayment since increasing inflation may affect borrowers' budgets, jeopardizing their liquidity and ability to service loans.

Second, bank-specific factors such as capital adequacy ratios, loan portfolios, and operational efficiency may substantially impact a bank's financial performance and stability. Capital adequacy ratios, for example, gauge a bank's capacity to absorb losses, influencing bank stability and the financial system (Adelopo, Lloydking, and Tauringana 2018).

Regarding loan portfolios, the composition and quality of a bank's loans can affect its profitability and risk profile (Ercegovac, Klinac, and Zdrilić 2020). Operating efficiency, which refers to a bank's ability to produce goods or services at the lowest cost, can also impact a bank's profitability and competitiveness in the market (Hirindu and Kushani 2017). Additionally, non-financial determinants, such as legal and regulatory frameworks, can significantly impact bank performance. Studies have shown that regulations can either facilitate or hinder bank performance, depending on their design and implementation (Swamy 2018; Mashamba 2018; Drake, Hall, and Simper 2006; Pasiouras and Kosmidou 2007). For example, regulations that promote transparency and risk management can enhance the stability and efficiency of the banking sector. However, excessively burdensome regulations can create compliance costs and hinder banks' ability to serve their customers effectively.

Thirdly, literature has explored how different ownership structures, such as the public or private sector, can affect bank profitability. Ownership structures can significantly impact the Bank's profitability. Political interference is one of the main reasons for public sector banks' lower profitability. Governments often use public sector banks to achieve policy goals, which may not necessarily align with the Bank's financial interests (Kořak and Ćok 2008; Ana and Roberto 2011). This may result in misallocating resources and a lack of emphasis on economic viability, resulting in decreased profitability. Due to a lack of competition and incentives for innovation, public-sector banks have lesser efficiency than private-sector banks (Liu and Wilson 2010).

On the other hand, private sector banks are constantly under pressure to enhance their efficiency and customer service to stay competitive and recruit consumers. Additionally, public sector banks tend to have higher levels of NPA because of the influence of political interests and ineffective credit risk management (Ozili and Uadiale 2017). This can significantly impact the Bank's profitability as it has to set aside funds to cover the non-performing asset (NPA), leading to lower net income. Alternatively, private sector banks have higher profitability because they focus on maximizing shareholder value and efficient management (Stančić, Ćupić, and Obradović 2014). They have a clear profit motive and are incentivized to optimize their operations and minimize costs. They also have strict credit risk management policies, which leads to reduced NPA numbers and increased profitability.

Finally, the literature has also explored how external factors such as technological changes and customer preferences influence bank profitability. For example, studies have shown that increased adoption of digital banking services can lead to higher operational efficiency and

bank cost savings (Nawafleh 2015; Le and Ngo 2020; Uralov 2020). External factors, including technological changes and customer preferences, can influence a bank's profitability. One way in which technological changes can impact bank profitability is through the adoption of digital banking services. As more and more customers shift towards using online and mobile banking platforms, banks may be able to achieve higher operational efficiency and cost savings. For example, a study (Nawafleh 2015) found that adopting digital banking services was associated with lower operating costs and higher bank profitability.

Similarly, (Le and Ngo 2020; Uralov 2020) found that banks that effectively implemented digital banking services achieved significant cost savings and improved profitability. The adoption of emerging technologies, such as machine learning and artificial intelligence, may also have an impact on bank profitability. These technologies can help banks improve decision-making, automate processes, and manage risk, increasing profitability. In addition to technological changes, customer preferences can also influence bank profitability. For example, if customers begin to prefer banks that offer a wider range of products and services, such as investment and wealth management services, banks that can meet these preferences may be more successful in attracting and retaining customers. On the other hand, if customers begin to prefer banks that offer lower fees or more convenient services, such as extended hours or more locations, banks that cannot meet these preferences may experience a decline in profitability.

Patria, 2015 investigated the primary factors determining bank profitability in EU27 during 2004-2011 (Petria, Capraru, and Ilnatov 2015). Their studies suggested that several factors influenced bank profitability. These included operational efficiency, diversification of business operations, market concentration and competition, credit and liquidity risk management, economic growth, and performance metrics like return on average assets (ROAA) and return on average equity (ROAE). In their work (Kohlscheen, Murcia Pabón, and Contreras 2018), the authors analyze the balance sheets of 534 banks from 19 different countries to investigate the factors that affect bank profitability in developing economies. According to the research, although short-term interest rates increase earnings by raising financing costs, long-term interest rates favor profitability.

Sufuan and Mohamed (2012) investigated the internal and external elements that contributed to Indian banks' performance between 2000 and 2008. Based on the data collected for this study, it is evident that a range of factors, including credit risk, network engagement, operating expenses, liquidity, and bank size, significantly impact bank profitability (Sufian and Noor Mohamad 2012).

When investigating what factors led to successful banking in China between 1999 and 2006, (Heffernan and Fu 2011) focused on three main areas. They looked at financial ratios, macroeconomic indicators, the type of Bank, the level of foreign ownership, and the Bank's listing status as independent variables in their assessment of four performance measures. Economic value added, and net interest margin were the best performance indicators, with other macroeconomic factors and financial ratios showing significance with predicted outcomes. However, the size of the Bank was not found to be influential, and foreign ownership and bank listings did not significantly affect performance.

Researchers (Jara-Bertin, Arias Moya, and Rodríguez Perales 2014) examined how macroeconomic and institution-specific factors affected 78 commercial banks in Latin America.

Individual criteria such as service diversity, size, capital ratio, and degree of specialization were shown to be positively related to bank performance. Bank performance is also tied to macroeconomic and industrial factors, including inflation, economic growth, and bank concentration. On the other hand, bank performance is adversely associated with operational inefficiencies and credit and liquidity issues.

Before, during, and after the financial crisis, the authors (Adelopo, Lloydking, and Tauringana 2018) investigate the relationship between bank-specific and macroeconomic variables and bank profitability. The results show a link between pre-crisis, crisis-era, and post-crisis bank profitability (ROA) and bank-specific factors, including size, cost management, and liquidity. However, the period of investigation and the profitability metric employed significantly impact the correlations between other bank-specific and macroeconomic drivers.

The influence of non-interest revenue on bank profitability and risk during the COVID-19 epidemic is investigated (Li et al. 2021). According to their findings, the economic effects of the pandemic led to a reduction in demand for various types of loans and a subsequent tightening of credit conditions. By diversifying into non-interest revenue sources, banks might mitigate the negative impacts of the pandemic on their performance since these sources have shown a positive correlation with bank performance and an inverse correlation with risk. The authors argue that their research suggests that bank diversification during a pandemic is desirable.

## METHODOLOGY

This study utilized quarterly secondary data from banks' annual reports to examine ten different banks in the two countries over ten years. For the analysis, the multiple linear regression method was employed. Considering the substantial number of observations and the suitability of OLS for multiple linear regression analysis, the decision to employ this statistical method is justified. It enables a rigorous examination of the relationships between the independent and dependent variables, facilitating a deeper understanding of the determinants of bank profitability.

Statistical significance was assessed using software programs like STATA and SPSS. Two econometric models were employed, with one model considering the return on assets (ROA) as the dependent variable and the other model focusing on the return on equity (ROE) as the dependent variable. The independent variables considered in both models were the number of loans issued, the number of bank employees, non-performing loans, and interest rates. The following are the details of the two econometric models utilized:

### Model 1:

$$ROA = \alpha + \beta_1(\text{No. of Loans}) + \beta_2(\text{No. of Employees}) + \beta_3(\text{NPL}) + \beta_4(\text{Interest rate}) + \mu$$

### Model 2:

$$ROE = \alpha + \beta_1(\text{No. of Loans}) + \beta_2(\text{No. of Employees}) + \beta_3(\text{NPL}) + \beta_4(\text{Interest rate}) + \mu$$

**Table 1: Description of Study Variables (Source: Authors' calculations 2023)**

| Variable            | Type        | Definition  | Source                  | Measurement Unit |
|---------------------|-------------|---|-------------------------|------------------|
| ROA                 | Dependent   | It measures a company's profitability in relation to its total assets.            | Annual Reports of Banks | Numerical        |
| ROE                 | Dependent   | It calculates financial performance by dividing net income by shareholder equity. | Annual Reports of Banks | Percentage       |
| NUMBER OF LOANS     | Independent | Total number of annual loans issued by the Bank                                   | Central Banks           | Numerical        |
| NUMBER OF EMPLOYEES | Independent | The number of employees working in the Bank                                       | Annual Reports of Banks | Numerical        |
| NPL                 | Independent | Number of non-performing loans  | World Bank              | Numerical        |
| INTEREST RATE       | Independent | It is the percentage of the principle that a lender charges a borrower.           | World Bank              | Percentage       |

## EMPIRICAL RESULTS

Table 2 shows the preliminary descriptive statistics of the research variables, revealing that the average profitability of the study's ten commercial banks is 13 million. In contrast, the average ROE is 19.52%. The average number of workers in all branches is 714.67, with non-performing loans around 2542, while the average real interest rate on loans is 5.75%.

**Table 2: Descriptive Statistics of Study Variables (Source: Authors' calculations 2023)**

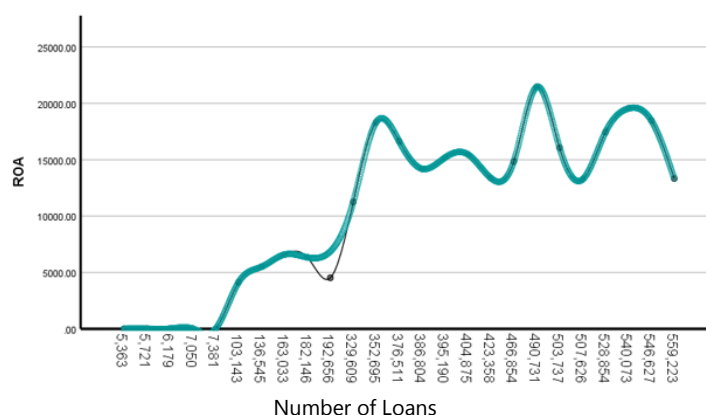
|                     | Number of Observations | Minimum | Maximum  | Average  | Standard Deviation |
|---------------------|------------------------|---------|----------|----------|--------------------|
| ROA                 | 400                    | 16.70   | 13207.43 | 10642.60 | 2427.77            |
| ROE                 | 400                    | 14.6    | 29.92    | 19.52    | 4.02               |
| NUMBER OF EMPLOYEES | 400                    | 194     | 920      | 714.67   | 155.32             |
| NPL                 | 400                    | 1121    | 21423    | 2542     | 4221.231           |
| INTEREST RATE       | 400                    | 2.12    | 12.60    | 5.75     | 1.63               |

The correlation coefficient between the profitability variable and the interest rate is positive, with a value of  $r=0.641$ , which is significant at the 5% level, based on the correlation coefficient shown in Table 3. Meanwhile, the profitability ratio with non-performing loans is strongly negative with a coefficient  $r=-0.412$ , where the coefficient is significant at the 1% level. Profitability positively correlates with return on investment (ROE) with a coefficient of  $r=0.166$ . At the same time, return on investment (ROE) is positively related to the number of bank employees ( $r=0.704$ ) and the interest rate on loans ( $r=0.255$ ).

**Table 3: The Relationship Between the Variables Presented Using the Correlation Coefficient**  
(Source: Authors' calculations 2023)

|     |                     | ROA  | ROE  | # Employees | # NPL   | Interest Rate |
|-----|---------------------|------|------|-------------|---------|---------------|
| ROA | Pearson correlation | 1    | .166 | -.514**     | -.412** | .641*         |
|     | Sig. (2-tailed)     |      | .976 | .009        | .003    | .036          |
|     |                     |      |      |             |         |               |
| ROE | Pearson correlation | .166 | 1    | .704**      | -.542** | .255          |
|     | Sig. (2-tailed)     | .976 |      | .001        | .005    | .795          |
|     |                     |      |      |             |         |               |

Figure 1 depicts the cumulative loan trend and income earned by the five Kosovo banks. The number of loans has increased, and this tendency is expected to continue. Banks' profitability has improved in tandem with the growth in loan volume.



**Figure 1: The Trend of the Number of Loans Concerning Bank Profits in Kosovo**  
(Source: Authors' calculations 2023)

In Tables 4, 5, 6, and 7, the regression results for ROA and ROE as dependent variables for Kosovo and Albania are presented.

| R                           | R Square        | Adjusted R Square | Std. error of the estimate regression |        |                   |
|-----------------------------|-----------------|-------------------|---------------------------------------|--------|-------------------|
| .952 <sup>a</sup>           | .912            | .906              | 4129.19                               |        |                   |
| Sum of Squares              |                 | df                | Mean Square                           | F      | Sig.              |
| Regression                  | 124581219587.43 | 4                 | 112423152458.63                       | 44.926 | .000 <sup>b</sup> |
| Residual                    | 450924456.242   | 26                | 624776575.21                          |        |                   |
| Total                       | 2064152104.27   | 25                |                                       |        |                   |
| Unstandardized Coefficients |                 |                   | Standardized Coefficients             | t      | Sig.              |
|                             | B               | Std. Error        | Beta                                  |        |                   |
| (Constant)                  | -3659.486       | 6067.746          |                                       | -.503  | .401              |
| Number of loans             | .034            | .004              | .882                                  | 12.18  | .000              |
| Number of employees         | 1.526           | 5.429             | .401                                  | 1.08   | .688              |
| NPL                         | -.077           | .055              | -.089                                 | -8.21  | .000              |
| Interest rate               | 802.291         | 275.773           | .124                                  | 7.66   | .000              |

Table 5: Summary Results of the ROE Model - Kosovo (Authors' calculations 2023)

| R                           | R Square | Adjusted R Square | Std. error of the estimate<br>regression |       |                   |
|-----------------------------|----------|-------------------|--|-------|-------------------|
| .758 <sup>a</sup>           | .802     | .745              | 3.55                                     |       |                   |
| Sum of Squares              |          | df                | Mean Square                              | F     | Sig.              |
| Regression                  | 236.06   | 5                 | 31.12                                    | 9.983 | .002 <sup>b</sup> |
| Residual                    | 198.66   | 25                | 7.42                                     |       |                   |
| Total                       | 412.31   | 27                |  |       |                   |
| Unstandardized Coefficients |          |                   | Standardized Coefficients                |       |                   |
|                             | B        | Std. Error        | Beta                                     | t     | Sig.              |
| (Constant)                  | 9.272    | 5.484             |  | 1.23  | .169              |
| Number of loans             | 7.430E-6 | .000              | .270                                     | 2.34  | .032              |
| Number of employees         | .011     | .005              | .512                                     | 2.56  | .026              |
| NPL                         | .000     | .000              | -.477                                    | -1.08 | .344              |
| Interest rate               | -.049    | 1.153             | .160                                     | .053  | .822              |






number of loans and employees made. Comparatively, neither the interest rate nor the number of non-performing loans has attained statistical significance. Both variables are shown to be significant when examined at the 5% level of significance.

**Table 6: Summary Results of the ROA Model - Albania (Authors' calculations 2023)**

| R                           | R Square   | Adjusted R Square         | Std. error of the estimate regression |       |                   |
|-----------------------------|------------|---------------------------|---------------------------------------|-------|-------------------|
| .852 <sup>a</sup>           | .813       | .806                      | 3542.19                               |       |                   |
| Sum of Squares              |            | df                        | Mean Square                           | F     | Sig.              |
| Regression                  | 2341       | 5                         | 21234                                 | 542   | .000 <sup>b</sup> |
| Residual                    | 12342      | 32                        | 42132                                 |       |                   |
| Total                       | 12323      | 23                        |                                       |       |                   |
| Unstandardized Coefficients |            | Standardized Coefficients |                                       |       |                   |
| B                           | Std. Error | Beta                      | t                                     | Sig.  |                   |
| (Constant)                  | 2312       | 3242.8                    | -.503                                 | .401  |                   |
| Number of loans             | .056       | .003                      | .664                                  | 11.85 |                   |
| Number of employees         | 2.212      | 6.988                     | .314                                  | 0.08  |                   |
| NPL                         | -.425      | .088                      | -.421                                 | -5.21 |                   |
| Interest rate               | -.643      | 122.7                     | .124                                  | 5.66  |                   |

The model that utilizes bank profitability (ROA) as an independent variable has reached an explainability of 81.3%, which is very high. This suggests that 81.3% of Albania's bank profitability variance can be attributed to the chosen independent factors. Three of the four variables of this study are statistically significant. That is, the variable of the number of loans, non-performing loans, and the interest rate on loans have explanatory power for the profitability of banks, while the number of bank employees have not reached the ability explanatory. All three variables are significant at the 1% significance level.

**Table 7: Summary Results of the ROE Model - Albania (Authors' calculations 2023)**

| R                           | R Square   | Adjusted R Square         | Std. error of the estimate regression |       |                   |
|-----------------------------|------------|---------------------------|---------------------------------------|-------|-------------------|
| .741 <sup>a</sup>           | .792       | .698                      | 2.66                                  |       |                   |
| Sum of Squares              |            | df                        | Mean Square                           | F     | Sig.              |
| Regression                  | 123.4      | 7                         | 66.4                                  | 10.8  | .000 <sup>b</sup> |
| Residual                    | 124.8      | 42                        | 9.2                                   |       |                   |
| Total                       | 514.2      | 54                        |                                       |       |                   |
| Unstandardized Coefficients |            | Standardized Coefficients |                                       |       |                   |
| B                           | Std. Error | Beta                      | t                                     | Sig.  |                   |
| (Constant)                  | 6.42       | 3.12                      | 1.23                                  | .169  |                   |
| Number of loans             | 1.4        | .004                      | .550                                  | 7.34  |                   |
| Number of employees         | .084       | .024                      | .642                                  | 7.56  |                   |
| NPL                         | -.002      | .004                      | -.341                                 | -0.08 |                   |
| Interest rate               | .057       | 1.41                      | .213                                  | .052  |                   |

The regression model, which has banks' return on equity (ROE) as an independent variable, has reached an explainability of 79.2%, which is very high, so the selected independent



variables determine banks' return on equity in Albania of 79.2. There is a statistically significant difference between two of the four factors. That is, the variable of the number of loans and the number of workers have explanatory power for banks' profitability. In contrast, the interest rate and non-performing loans have not reached explanatory power. Both variables are significant at the 5% significance level.

Our empirical results align with the existing literature. Similar to our findings, Uralov (2020), Devinaga Rasiah and Rasiah (2010), and Dietrich and Wanzenried (2014) identified that the number of loans issued and the number of employees could significantly impact a bank's profitability. Qehaja, Gashi, and Hoti (2022) also noted the relationship between the volume of loans and profitability, adding further credibility to our research. Our investigation of the impact of non-performing loans (NPLs) on bank profitability resonates with the findings of Ercegovic, Klinac, and Zdrilić (2020), who highlighted that the quality of a bank's loan portfolio could notably affect its profitability and risk profile. Ozili and Uadiale (2017) also found a similar relationship, indicating that higher levels of NPLs can reduce net income, thus aligning with our results. Moreover, our exploration of the impact of interest rates on profitability agrees with Pervana, Pelivan, and Arnerić (2015), who also underscored the crucial role of interest rates in banks' profitability. They posited that a higher inflation rate could lead to higher loan interest rates, subsequently resulting in increased bank profitability. As for the dependent variables, our analysis focused on the ROA and ROE, both widely recognized as significant indicators of bank profitability. This is in line with Petria, Capraru, and Ihnatov (2015), who found that return on assets (ROAA) and return on equity (ROAE) are key factors impacting banks' profitability.

## CONCLUSION

According to the study's empirical findings, four factors significantly affect bank profitability, the number of workers, the interest rate on loans, the percentage of loans that are in default, and the total quantity of loans. The number of loans, the percentage of non-performing loans, and the interest rate on loans were all statistically significant, whereas the number of bank employees was not. According to the research, non-performing loans were shown to reduce bank profits by the same amount. Therefore, to improve profitability, banks in Kosovo and Albania should focus on increasing their capital adequacy, reducing non-performing loans, and maintaining a favorable loan-to-deposit ratio. Additionally, the study showed that Kosovo banks performed better than Albania, indicating differences in the management of the two countries banking sectors.

Banks' provision of financial services to households and businesses is crucial to the economy. Thus, it is essential for a country's economic growth and development that banks remain stable and profitable. The study's findings offer valuable insights for policymakers, regulators, and bank managers in Kosovo and Albania to make informed decisions about managing and regulating the banking sector. With the Covid-19 pandemic increasing risks to financial stability, policymakers and regulators should develop and implement effective crisis management measures to mitigate any future crises' impact on the banking sector and the economy. Additionally, this study can serve as a benchmark for future research on bank profitability and its determinants in other developing countries.

Future research could broaden the scope of macroeconomic variables impacting bank profitability, including money supply and exchange rates. Furthermore, other potential factors influencing bank profitability, such as competition, technological advancements, and regulatory changes, could be explored as possible extensions. As this study concentrates only on Kosovo and Albania, additional research could incorporate more developing countries within the region.

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# DEMOCRACY AND WESTERN IMPERIALISM: TOWARDS DECOLONIZING RELIGIONISM IN NIGERIA

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**Abstract:** *The way allied Western nations protect their interests has been a major problem and factor in the demise of governance and democracy in the Nigerian state and other African nations. This has made Nigeria's democracy, like that of other African countries, unstable since independence. Therefore, this article examined Western imperialism, which used religion as a tool and barrier to a strong, viable democracy in Nigeria. The article used critico-historical analysis as a method. The results showed that although Western imperialism and globalization, along with religion, have an expansionist and civilizing nature, they have also exhibited traits of dominance over other countries and systems of governance, thus making democracy weak and less rewarding. We argued that Nigeria's democracy and religion must be independent and self-sufficient to avoid Western exploitation and imperialism and provide a context for religious inculturation. We concluded that for Nigeria and other African nations to thrive in true and strong democracies, religion should be decolonized through pulling down colonial religious presumptions, de-internationalization of religion, reorientation of religious education, restoration of indigenous languages, authentication of religious freedom, non-governmental funding of religion, and provision of theologically motivated research to a more legitimate position within religionism.*

**Keywords:** *Democracy; Western Imperialism; Decolonization; Religionism; Globalization; Nigeria; Africa*

## INTRODUCTION

Globalization has resulted in a worldwide imperialism of Western existence, power, and knowledge. However, a departure from the accepted geography of reason's Western origins makes globalization unique. The dominant nature of Western civilization is the result of forcing its will on others to generate money for themselves. If accepted, this results in political torture and the mental and emotional suffering of the recipient nations. From the Renaissance through the late 20th century, Western powers and bureaucracies produced and controlled it, turning it into the darkest side of Western modernity (Mentan 2015, 63). Since its independence, Nigeria's democracy has proven precarious, with succeeding administrations trying to forge a sense of national cohesion in a complicated nation home to over 300 distinct ethnic groups. Democracy is both the act of exploitation and the language of colonial exploitation (Gagnon 2018, 101). This article's most crucial thrust focused on the obstacles to a robust democracy in Nigeria as a result of indirect or direct interference from Western nations using religion as a tool, including strife, corruption, a lack of interaction with the public and commercial sectors, and a lack of freedom for members of civil societies to campaign for reform. Political rivalry, community, ethnic, religious, or resource distributional conflicts pose a danger to democracy in Nigeria.



This paper makes the case that democracy is the most recent and extreme example of Western exploitation employing race and religion as tools. It also looks for ways for Nigeria's democracy and religion to be independent and self-sufficient. It examined how a country's leaders' moral principles and religious preferences influence its domestic and foreign policies due to the Western world's religions and ethical traditions resulting in imperialism. Additionally, it is an effort to give Nigeria's religious inculturation a context and focal point. Distinctively, this article comprehends the standard of international policy leadership in democratic nations such as Nigeria and other African nations.

## CONCEPTUALIZATION OF DEMOCRACY AND RELIGIONISM

There is disagreement about the exact definition of democracy, although it is widely accepted that voting defines it. A survey found 2,234 adjectives within the English language that defines democracy (Tangian 2020, 12). However, Popper (2016, 7) contends that a democratic system is the people's government. Democracy is a form of government that is based on popular consent. According to Addis (2007, 125), democracy is a form of government whereby every citizen can vote to choose the government's leaders. Democracy is also an arrangement and a framework in that everyone is treated equally and has the power to cast a ballot and make decisions. Democracy is a system of governance in which the people either rule themselves or choose representatives to do so, according to Lijphart (2012, 68). Democracy is described by Abjorensen (2019, 116) as government by the people, a type of governance in which the people themselves, or their chosen representatives, hold ultimate authority through a free election process. Instead of tyranny, dictatorship, or oligarchy, it is a government that is run according to the "will" of the people. The beginning of democratic systems, established in Athens in the fifth century BC, is ascribed to the ancient Greeks (Wilson 2006, 510). It was a direct democracy where the people gathered, spoke about governance issues, and made decisions. The small group of people who could directly participate, which included women, enslaved people, foreigners, and minors, made this system feasible. Based on an estimated population of approximately 300,000, there were likely 50,000 men actively involved in politics, which is far higher than in a contemporary democracy (Annan 2023, 4). He asserts that numerous kinds of democracy exist, just as there are democratic countries. Two fundamental tenets of democracy are individual freedom and equality. These fundamental ideas help shed light on why it is so well-liked. However, the absence of a method for resolving divergent opinions makes putting these concepts into practice difficult. Consensus decision-making aims to identify shared areas of interest and is a more sincere approach to reflecting everyone's interests.

There are many different types of modern democracies, including presidential or parliamentary democracy, federalism or unitary democracies, majoritarian structures, monarchies, and proportional voting. The use of representations of the citizens, who are chosen by the electorate to rule on their behalf, is one feature of contemporary democracies. The two guiding principles of this system, known as representative democracy, are equality for everyone and the right of each person to some measure of personal autonomy. Democratic systems may be improved to be more inclusive, reflective of the preferences of a wider range of people, and receptive to their influence. Although women were allowed to run for office in parliament for the

first time in 1919, New Zealand was the first nation in the world to offer universal suffrage in 1893 (Annan 2023, 6). Many nations originally allowed women to vote but did not allow them to run for office until many years later. Only in 2011 did Saudi Arabia allow women to vote in elections (Annan 2023, 8). Other groups, such as immigrants, migratory workers, convicts, and minors, are not allowed to vote, even in well-established democracies, even though they may pay taxes and abide by the law. More so, ordinary citizens should utilize as many alternative channels as they can to participate in politics and the government because democracy pertains to more than simply voting. People who want to engage should keep up with current events, communicate their thoughts, and work with others to get their voices heard. The best method for individuals to be heard is to vote since they are not held responsible if they do not.

Religionism, on the other hand, implies the devotion to and practice of religion. According to Emoghene and Okolie (2020, 36), religion is also hard to describe. Depending on their specialties, various individuals have different viewpoints on religion. While anthropologists see religion as a part of culture, sociologists see it as having sociological rather than political relevance. According to theologians, religion is civilization's foundation and focal point, the supreme artistic expression, the source of all choices and acts, and the final justification for civilization (Emoghene and Okolie 2020, 32). According to Durkheim (1965, 113), religion is a group representation that holds things holy. According to Yesufu (2016, 27), religion is the act of serving and honoring a deity or gods. According to Ogugua and Ogugua (2015, 195), religion is a significant component of traditional backgrounds and significantly impacts the thinking and emotions of the targeted population. According to Obilor (cited in Emoghene and Okolie 2020, 33), religion allows humans to follow natural or divine laws. Religion serves as a roadblock to human self-actualization. Authorities may utilize religion to keep the populace under control or as an ideological instrument. Islam and Christianity are the two main religions practiced in Nigeria.

According to Onimhawo and Ottuh (2007, 57), religious fervor and religious extremism are two terms used to describe religious extremism in Nigeria. Balogun (1988, 41) described fanaticism as violent and unreasonable religious fervor and the incapacity of religious devotees to reconcile their ideas with the practical realities of their religion, while Hornby (2000, 735) defined it as extreme views or actions. Popular religious revivalism has increased due to the dynamics of social relations controlled by the federal government and the Nigerian economic downturn, including the state's role in it. Muslim hardliners and Christian Pentecostal believers significantly influence the advancement of democratization. Church leadership follows a conflicting course of action, supporting national democracy but sometimes decrying governmental abuses. Islamist groups and Muslim reformers have emerged and assumed leadership roles in their respective political spheres and democratic republics. Throughout the period of political transitions under military government, organized religious bodies actively participated, often in opposition but predominantly in favor of the changes taking place.

## WESTERN IMPERIALISM LINKED TO DEMOCRACY

Imperialism is the practice, philosophy, or mentality of spreading or retaining authority, especially Expansionism, the use of both soft and hard power, and the creation or maintenance of a formal empire are all examples of imperialism. Although researchers sometimes struggle to distinguish between imperialism and colonialism, while they can be used interchangeably, both prescribe an economic and political advantage over a region and the indigenous inhabitants they rule (Fay and Gaido 2012, 84). The idea and practice underlying imperialistic expansion are not universally accepted; in contemporary times, comprehensive foreign policy is associated with the term “imperialism” (Smith 2020, 528). Liberal philosophers, socialist thinkers, and previously colonial people have all attacked imperialism as a practice for a variety of reasons. The divide between urban and colonial life, people, and lands lies at the heart of colonialism. Western dominance, existence, and knowledge have been imperialized on a global scale due to modernity. Border thinking deviates from the recognized Western geography of reason. As a novel form of power to colonize the Americas, colonialism emerged. Far-right organizations often target non-indigenous members of the populace and have no business upholding democratic principles. A limitation on free speech is a law that forbids the promotion of racial hatred. The justification for imperialism in the West has always been advancing democracy and freedom (Chull-Shin 2021, 152). Democracy, however, does not make imperialism impossible. It might reflect how society and politics are progressing, or it could result from intelligent beings on another planet with limited energy resources.

Imperialism and its false promise of expanding democracy are indescribably terrible, and any people hoping to choose their future must decolonize the Western democracy that has been forced on them (Lightfoot 2021, 978). For instance, Biden substituted imperialism’s false position, which claims to do well for the globe it intends to rule, oppress, exploit, and destroy, for Trump’s “America First” approach (Desai 2022, 170). The most recent iteration of this discourse focuses on advancing democracy and human rights. However, this position is fraught with paradoxes due to inequality, poverty, mistrust, social division, and political disaffection. Decolonization during the Cold War featured the abolition of the last surviving official colonies, regulations, and trusteeships and the distribution of restricted self-government powers to the elites of Westernized, ostensibly autonomous local governments (Tully 2008, 474). This difficult time of transition is referred to as both “imperialism for decolonization” and “the end of empire amid the continuity for imperialism” (Anghie 2004, 40). This intricate system of government has been expanded around the globe since the Soviet Union and its allies from the Third World were defeated in 1989, ending the Cold War. Experts now commonly accept that the current global administration system represents the continuation of Western imperialism via covert means (Harvey 2003, 29). It is a sophisticated system of governance that recognizes subordinated or oppressed peoples as independent constitutional governments and controls imperialized peoples in ways other than via official colonies.

## NIGERIA'S DEMOCRACY AND ISSUES

Nigeria is one of Africa's most religiously diverse nations and the biggest nation belonging to the black race worldwide. Sir Fredrick Lugard combined the two distinct protectorates in northern and southern Nigeria prior to the unification in 1914. In a paper published in 1897, Miss Flora Shaw (Lugard's wife) offered the term "Nigeria", which she derived from the River, "Niger area" (Odeh 2010, 3). The blending of the two rival faiths - the Islamic and Christian faiths - with the pre-existing traditional religions and the country's multiethnic makeup has had and continues to have both beneficial and negative effects on Nigeria's democratic government. Over 180 million people call Nigeria home, making it the most populated African country (Ogundiya 2010, 203). The country was supposed to have a fully democratic administration after gaining independence in 1960. However, a military dictatorship arose and lasted over a decade of the country's over 50 years as an independent state. The three major faiths practiced in Nigeria - Islam, traditional faiths, and Christianity - have various ideas on the sort of government in that country. These ideas lead to a fundamental issue and conflict in Nigerian administration, resulting in riots, disputes, conflicts, loss of riches, and wars of culture and religion. By incorporating Sharia into the administration of certain sectors of Nigerian society, the British colonial masters gave the North a sizable portion of the country. They sowed into the minds and hearts of northerners the primacy of their way of life and religion over others. With its integrated 50% representation of the legislative body of 312 members in the center, encompassing 53.3% of the nation's population, the British constitutional heritage produced a scenario above the remaining three southern districts (Ogundiya 2010, 201). The bitter rivalry involving the two distinct regions of Nigeria has been blamed for the country's historical fusion.

The Sokoto Caliphate was the epic center of pre-colonial Nigeria's Islamic Empire, which had a sizable Muslim populace. The larger Muslim world inspires the successors of the Caliphate in terms of its religious, sociopolitical, and cultural values. The South is a multiethnic area that leans heavily towards Christianity and has strong sociopolitical ties to modern Western culture and traditional African traditions. Each area contains minority ethnic and religious groups with grievances and often expresses them through acrimonious politics or sectarian conflict. Since the fall of communism, democracy and good governance have proven to be significant problems in Nigeria. Europeans have made futile efforts to democratize African nations, but this is now popular across practically the whole globe. African political and democratic advancements trace back to the eras when different kings ruled the continent. Following several European voyages of exploration and travel, foreign philosophies invaded Africa between the fourteenth and seventeenth centuries AD. The development of what can be referred to as the "new Western culture" was greatly aided by missionary explorers like William Muir, Richard Lander, Henry Molton Stanley, Robert Moffat, David Livingstone, John Speke, and Richard Burton. Due to this division of Africa, several European countries, like Britain, France, Belgium, Italy, and Germany, each of which formed its governmental system, received portions of the continent (Ushe 2012, 225) - a time of political conflict and democracy followed the division and colonization of Africa. Africans' desire to govern themselves sparked the battle for independence from the European colonialists.

The final phase of Western democratization occurred between the late 1980s and the Middle of the 1990s, when wealthy Western powers pressured several African countries, including Nigeria, to accept multiparty democracy to obtain financial assistance (Diamond and Plattner 2010, 40). This has shown that Nigeria, like other African countries, is not immune to the time's widespread desire for democracy. The cumulative experience demonstrates that Nigeria, like other African nations, is still far from a more authentically democratic society. Recent events on the African continent imply that we advance one step today and regress ten steps tomorrow. According to Ushe (2012, 225), Nigeria is in a league of its own since it effectively transitioned the government from military back to elected civilian rulers in 1979 via the organization of a free and fair election. Postponements and cancellations of elections are seen as attempts by the Nigerian military to keep the current ruling class in place, and the nation has been plunged into a state of fervent obscurantism. Because democracy has not established itself in Africa and Nigeria has been able to go from one democratically elected administration to another, there is disillusionment, cynicism, fatalism, and a lack of faith in the democratic process (Ottuh 2015, 26).

Nigerians have been looking for democracy for over 50 years but have not found it. Nigeria underwent a democratic transition in 1999, following practically sixteen years of uninterrupted military administration. A bicameral government, an autonomous judicial branch, a free press, a framework of balances and checks, basic rights, and civil freedoms were all included in the 1979 Constitution. The 1999 Constitution guarantees the right to vote, exercise one's franchise, and have regular elections (Jibrin 2016, 41). The lack of democratic impulses inside us and our innate propensity to sabotage the electoral process, however, are the two mutually reinforcing causes that are to blame for this disease. According to Ottuh (2015, 22), democracy is regarded as the best kind of governance because it is based on the idea that each person is unique. However, it requires the greatest levels of self-control, restraint, and a readiness to make promises as well as sacrifices for the sake of the whole. These fundamentals should be continually practiced to become ingrained and appear as impulses. Many theories have been put forth by analysts as to why political crises occur, including a centralized position of power in the hands of the central government as a result of military rule, the degradation of the rule of law along with the autonomy of the judicial system, and the dearth of institutions and structures to allay the fears and mistrusts shared by Nigeria's numerous ethnic groups. Komolafe (2023) contends that since democracy's conception and perception were founded on presumptions, it has varied meanings to various individuals in Africa and Nigeria. The elite leadership made no intentional attempt to impart its true meaning to the populace since it opposed poor governance.

The dynamic interplay of altering democratic ideals and their effects on the nation's democratic effort has not received enough attention from academics. The northern and southern regions of Nigeria have differing levels of democracy. Whereas in the South, education has played a significant role in guaranteeing that people are aware of their rights and can confront the government, in the North, it is perceived as being adverse to the continuation of feudalism. The Department of the Public Defender (OPD), which provides free legal representation to people who cannot afford it, was founded in Lagos State in 2000. As a result, democracy has grown, and genuine public involvement has been boosted (Jibrin 2016, 41). The birth or introduction of democracy into Nigerian society, which establishes the operational

procedures for any paradigm, also determines its character. A revolutionary paradigm emerged in the Greek city-states to correct, checkmate, and liberate the populace from tyranny, monarchy, and related ideas. It is also influenced by our social ideals, such as the idea that a woman without a husband is a loose woman and a man without a wife is irresponsible.

Democracy in Nigeria is a blend of many multifaceted and sometimes issue-specific practices; it lacks uniform applications (Ogundiya 2010, 211). In other words, what is deemed democratic in Oyo will be influenced by whatever is democratic in Sokoto, and what is democratic in Borno State would resemble something democratic in Osun. Elections with low voter participation have raised questions about the state of democracy, especially in mature democracies. This results in voters doubting the constitutionality of democratically elected governments due to an absence of interest and engagement. The civil society in Nigeria is complicated and has a wide range of opposing political attitudes, viewpoints, perceptions, and value orientations (Jega 2001, 110). This has caused a severe political culture problem in the nation of Nigeria, resulting in a significant impact on ideas about democracy. It has been said that the ongoing process of democratization must rely on African traditions to tailor democracy based on the culture and historical experiences of the common people if it is to have any significance for the populace. However, the collapse of democratic government is not just attributable to differences within the political culture about the proper democratic ideals for Nigeria. Is the postcolonial political economy characterized by an armed forces-controlled state and a crony capitalist economy?

The dynamics of social interactions mediated by the state, the Nigerian economic crisis, and the state's role in it have all contributed to a rise in popular religious revivalism (Ottuh 2023, 214). Many Christian Pentecostal believers and Muslim fundamentalists, including reformer organizations, and their ideologies on spiritual salvation and socioeconomic and political liberty significantly impact the progress of democratization. According to some more developed Christian clergy, God is not a democrat. As a result, church leadership pursues a contradictory policy, advocating for democracy on a national level and occasionally criticizing state excesses while conducting the flock's internal affairs in a very undemocratic manner and engaging in its excesses. In Western Nigeria, Pentecostalism opposes governmental authority and criticizes the ruling class. Muslim reformers and Islamist organizations have gained prominence, particularly in northern Nigeria's cities (Thompson 1993, 48). With little respect for the greater secular political community, these organizations are well-established, controlling their political space and running their teeny-tiny democratic republics. Organized religious organizations, such as the Christian Association of Nigeria (CAN), the Pentecostal Fellowship of Nigeria (PFN), and the Supreme Council for Islamic Affairs (SCIA), have participated in the political transition under the military administration, frequently playing opposing but almost always supportive roles (Onimhawo and Ottuh 2006, 343). They have opinions that largely favor the military's transition measures, advising caution on the part of the political elite and pro-democracy organizations while pleading with everyone to give the programs a chance. There are a few cases when they might be seen to have supported popular democratic movements, such as the invalidation of the presidential elections held on 12 June 1993.



## RELIGIONISM AS IMPERIALIZING TOOL AGAINST NIGERIA'S DEMOCRACY

The notion of "religion" was crucial to imperialism's effort to bring about civilization, and the objectives of various imperial actors modified it in a manner that is still clearly relevant today. For instance, East and Southeast Asia's religious landscape was significantly influenced by statecraft, legislation, scholarship, and conversion (Dubois 2005, 113). Academicians developed and imposed state theologies before and during the European empire, while missionary followers advocated for religious conversion. Prior issues were expanded upon throughout this period. Christianity had a significant role in the colonial conquest of Africa and subsequently emerged as a tool of resistance. Africans were offered a path to salvation rife with ideals of European supremacy, and they later transformed these ideas into a belief system that was more in line with the original intentions of the church. Although it has been questioned if European missionaries made friends with the colonial rulers of the area, it is not easy to contest that they ultimately had a favorable influence on the citizens of Africa (Kalu 2007, 291). The missionaries sowed the germinating material, and the Africans harvested the fruit from the tree to start their orchard, where they might find stability and create new identities to obtain freedom. Since colonialism, religions have been employed to oppress, mistreat, and enslave people and organize and free them. With more believers expressing their views, demands, and objectives in the routine religious life and the public domain, religion, and religious discourse have become important developments across political institutions in Nigeria. Religiously, Nigerians identify as followers of Islam, Christianity, or traditional African faiths; nevertheless, estimates of religious affiliation vary owing to the absence of comprehensive demographic statistics and the fact that many follow indigenous religious doctrines and customs. Ottuh and Omosor (2022, 38) posit that in recent estimates, 10% practice traditional faiths, 40% are Christians, and 50% are Muslims. In Nigeria, religion has contributed to many difficulties, including social unrest, economic stagnation, constitutional violations, the insecurity of people's lives and property, and the precarious position of the secular state (Ottuh, Ottuh, and Aitufe 2014, 200). In Nigeria, along with being fundamental to people's everyday lives, religion also plays a crucial role in their democratic battles and revolutions.

Politically motivated economic and social affairs are all influenced by religious fundamentalism in Nigeria, which is an absolute and rigid philosophy. By concentrating on the assumption that there only exists a single, unchanging, and undeniable truth, it is employed to uphold a neoliberal objective. This fundamentalist theological perspective, which claims that God entrusted followers to civilize the barbarians, is closely related to the US imperialist mission. Protestantism in Nigeria is being used to support the nation's imperialist policies. This supports Ottuh and Idjakpo's (2021, 27) argument that the God of religion can be used in diverse ways to please one's interests. The movement aggressively positions itself against its detractors in various situations outside of the religious sphere, intruding into both the world and the everyday lives of citizens. Instead of a common identity as workers, the average person is shifting into a more evangelical identification based on religious brotherhood. According to Portugues (2022, 3), the change in common language to represent a people who no longer organize themselves solely via labor organizations, social communities for struggle, and mainstream movements but instead primarily in churches and mosques shows the influence of



faith at the grassroots level. This change exemplifies the influence of religion on the local level. In Nigeria, the Christian faith, for instance, prefers Western resources like the Latin language used in Holy Eucharist celebrations. Priests in mainstream churches, including Catholic, Anglican, Methodist, Baptist, and even Presbyterian congregations, often employ western-made liturgical items (Obiefuna 2010, 77). Pastors of Pentecostal churches and indigenous African churches find wearing suits and other Western clothing more comfortable. The gospel band is one of several musical instruments utilized in Nigerian Christian churches to represent Western imperialism. In Nigeria, the Christian faith has likewise seen the effects of contemporary globalization, riding the wave of globalization to support imperialism.

Nigeria is often portrayed as primarily a secular state, although this is oversimplified since religion affects politics there. According to Ottuh (2012, 218), secularism is not always synonymous with atheism. For Onimhawo and Ottuh (2005), the secular social contract proposes a continual form of colonial domination by granting security and economic growth to certain economic strata. Religious revivals challenge social stratification, moral frameworks, and contemporary politics. To show the links connecting politics and religion in Nigeria, a 2020 research project traced this linkage back to colonial practices that acknowledged Islam as a civilization (Segall 2019, 91). By upholding Sharia jurisprudence and westernizing southern Nigeria, Islam became integrated into the imperialist administration of politics in the Northern Protectorate and, eventually, the northern region (Ekpo 2023, 2). Ottuh and Erhabor (2022, 247) argue that as religious fault lines widened, Ahmadu Bello's goal of Islamic revivalism and rhetoric of the Islamic takeover of southern Nigeria aroused tensions, mistrust, and fear. He was the head of the dominant Northern Peoples' Congress (NPC) and a descendant of Usman dan Fodio (Ottuh and Omosor 2022, 31). Religionization, or votes cast along religious lines, would affect the nation's stability after the elections during the Nigerian presidential elections in 2023. This is because religious concerns focus on inflexible beliefs and ideals in both a political and practical sense. According to Ottuh and Jemegbe (2020, 3), neglecting the need for religious inclusion poses a danger to national security in a sensitive and polarized society. Politically supported religions are thought to inherently benefit from political and economic advantages over their rivals due to the intertwining of politics and religion, contributing to the perception of marginalization and horizontal inequality.

Democracy and human rights are closely related and mutually reinforcing. Human rights include the ideals of equality and autonomy, as well as the right to participate in politics (Ibrahim 2012, 47). Without acknowledgment of human rights, including the freedom of opinion, conscience, and religion, a democracy is nonetheless lacking (Ottuh and Idjakpo 2022, 421). Governments have attempted to restrict this freedom because they thought it might jeopardize the present system. According to Annan (2023, 9), the three basic human rights that are fundamental to democracy are the freedom to express oneself (UDHR Article 19), freedom from unlawful association and assembly (UDHR Article 20), and the ability to establish interest or lobbying groups - are the most significant features in this document. Using these rights, individuals may join interest groups, debate concepts with others, and demonstrate against choices they do not agree with. Any violation of these rights might make it harder for someone to speak out and lessen the effect of their decision. Based on the ethical standards of international law, Freedom House's Freedom of the World Index evaluates the level of freedom,

including the ability to vote. Only eleven African countries are classified as “free”, according to the score, while 37% of the world’s population lives in absolutely unfree conditions (Mazadou 2022, 3). The most dramatic fall occurred in 2017 when the fundamental principles of democracy were seriously jeopardized (Gjorshoski 2020, 31). An additional metric for measuring democracy is provided by Van-Allen (2001, 40), who emphasizes the importance of social and socioeconomic equality movements as measures of how well-protected or prevalent liberal democratic rights and liberties are in a given state.

## **DECOLONIZING RELIGIONISM FOR A STRONGER NIGERIA DEMOCRACY**

A political and intellectual movement known as decolonization seeks to dismantle global disparities and power systems. Decolonization is about altering how people think, communicate, and behave through a bold engagement with various voices and viewpoints that have traditionally been marginalized and suppressed. According to Nye (2019, 43), it challenges dominant structures of hegemony and results in the return of Indigenous land and life; it is not merely a theory or a hazy dream for change. Segall (2019, 76) said religious revivals are not new to the Middle Eastern and North African areas and require ethical, social, and political transformation. Reform-based political Islam was once an anti-imperial position. The Western world is where the concept of religion originated as we know it now. It is context-dependent and difficult to apply in many cultural, political, economic, and historical settings. According to historians, the development of colonial empires often benefited from the application of science in the 19th century (Scott 2017, 117). In Nigeria, the Christian religion prefers Western materials, liturgical objects, attire, and instruments to symbolize Western imperialism and has experienced the consequences of globalization. To promote and establish a more effective and sustainable democracy in Nigeria, free from the influence of Western imperialism and religion, the following workable synthetic solutions are proposed.

### **De-Internationalization of Religion**

Most religions or religious groups in Nigeria are still under foreign religious bodies’ direct or indirect control. For example, the Catholic Church, the Anglican Church, the Baptist Church, the Methodist Church, and a few Pentecostal churches are in this category. The Catholic Church, for instance, still takes orders from the Pope in Rome. The Baptist Church is still under the indirect control of the Southern Baptist Convention in the United States (US). At the same time, the Church of England still has indirect control over the Anglican Church in Nigeria. These foreign bodies affect the adherents’ lives, including their political thinking, which in turn serves as a determinant factor in national democracy. Religious denominations may provide various means to live out their principles, beliefs, and practices. Religious groups accept specific principles and convictions in their social teachings that affect their members’ political and economic lives. Thus, it may be claimed that a person’s religion influences their opinions on various policies, including governance, which could influence national democracy. Hence, I argue that Nigeria should be treated equally by the US government, not only as a partner. Officials in Nigeria are becoming less inclined to put up with perceived paternalism or intervention from the

US and the European Union (EU) (Mazadou 2022, 4). Exerting pressure on Nigerian counterparts by American politicians would not yield significant results in addressing any issue, particularly the delicate matter of religious regulation. Such an approach is not conducive to the health of Nigeria's democracy. Hence, rather than actively seeking to influence Nigerian policy decisions, the US could be more successful as a mediator of discussions regarding religious regulation involving Nigeria and Nigerians.

Considering the Hausa-Fulani, Yorubas, Igbos, and Kanuri being the most numerous ethnic groupings, religion has significantly influenced Nigeria's internal and foreign affairs, including politics, because it inspires citizens and gives policies more credibility. This is shown by the Nigerian political system, where the populace is credulous and easy to persuade when religion is utilized as a lure to gain their awareness and trust. This has made it possible for wealthy foreign and local politicians to use religion as a means of mind control to further their immoral goals. Nigeria's internal and international politics can be shaken by religion, just as an earthquake would be. The Maitatsine (a fundamentalist Islamic organization that started in the early 1980s) issues, Organization of Islamic Conference (OIC) membership, anti-Israel groups, the Sharia, the Miss World beauty competition, homosexual marriage, and the emergence of Boko Haram are a few examples in this regard. Most of these organizations are directly or indirectly sponsored by foreign nations or groups. The birth of the Shia group is a significant event that has significantly impacted Nigerian internal politics. The group's founder, Alsheik Yahaya Al-Zakzaky, who gets financial, educational, and training support from Iran, criticizes the Nigerian state's secularism and calls for forming an Islamic *Jumhuriyet* (Islamic State). Due to the Christian-dominated Biafra territory, which Israel helped with financial backing and military training, the Nigerian Civil War (1966-1971) was perceived as revenge for Israel (Uche 2008, 114). Fundamentalist religious outfits were the root of the diplomatic crisis surrounding Nigeria's participation at the Organisation of Islamic Conference (OIC) in 1986. This diminished the nation's favorable reputation in the eyes of other nations, including those in Africa, and decreased its influence abroad. The country's Christian associations vehemently opposed the plan and demanded its abandonment; however, President Ibrahim Babangida ignored their request. A notable instance of religion affecting foreign activity in Nigeria is the 2003 anti-US war on Iraq (Higgs 2023, 3). Abuja's announcement that some of its residents had been enlisted for combat alongside Iraqi troops against US-led troops set off this. Nigeria was seen by the US administration as a barrier to its policies, which resulted in the friendship between the two countries experiencing a brief deterioration.

Nigeria passed an anti-gay marriage bill in 2014, which the US and its allies found repugnant. It is illegal to host a gathering of homosexuals or run or participate in a gay club, group, or organization, and gays who are found guilty risk up to 14 years in jail in Nigeria. The manner in which allied Western countries have handled the safeguarding of their respective interests in the nation has played a significant role in the downfall of the Nigerian state. Britain, a de facto auxiliary state for the choice and administration of such interests for Nigeria, has carried out this action. As a result, merit has been abandoned, and nepotism has become the foundation of national administration. The Berlin Conference of 1884, which divided Africa among European nations, was when Britain first gained control over how Western nations would respond to crises and challenges in Nigeria (Higgs 2023, 4). The breakdown of the Nigerian state

was caused by this fusion of various culturally and sociologically distinct provinces, which was encouraged by British interests. Donald Trump feels that the North's submission to Britain and its Western allies is strategically important; thus, his strong stance on the mass murder of innocent Christians in the country is not grounded in morality or respect for religious freedom.

### Advocating Religious Liberty

Authentic permission for religious freedom is a *sine qua non* to sustainable democracy in Nigeria. The expulsion of indigenous peoples and their knowledge and value systems is a long-standing colonial geopolitical history, with contemporary frameworks like the freedom of religion being the most recent episode. The rhetoric used to advocate for safeguarding religious liberty by diplomats from Western nations across the globe may seem just as admirable as the guiding motto of French colonization. In the 19th century, the terms "religious" and "political" referred to the civil government versus the ecclesiastical authorities, as well as the Christian countries versus the "uncivilized" and "primitive" tribes of Africa and the Ottoman territories (Dube 2021, 304). The concept of the "religious" is used in social science theories to explain events that threaten Western civilization. Western policymakers, legislators, and diplomats struggle with religious tensions and bloodshed overseas. This may be explained by connecting present conceptions of religious others to colonial frontier regions and showing how the scholastic terminology developed then is still used in modern notions of religious difference and diversity. According to Pape (2005, 28), drawing a link between Islamic fundamentalism and acts of suicide terrorism is false. It might result in foreign actions aggravating the foreign power's condition and unintentionally killing many Muslims. This occurs due to the inaccurate and derogatory portrayal of religion across many African nations, including Nigeria. This problem has affected authentic religious freedom in many nations. On the one hand, non-adherence to the freedom of religion negates true democracy, and on the other hand, adherence to the freedom of religion promotes and authenticates true democracy.

### Decolonizing the Nigerian Constitution

The Nigerian constitution, since independence, has been modeled after the British constitution. Bringing the fundamental constitutional and constituent institutions under the shared participation authority of people subject to them is the fundamental tenet of freedom in democracy and constitutionalism. According to Onimhawo and Ottuh (2006, 341) and Ottuh (2015, 23), constitutionalism and democratic freedom are based on people's shared participation and authority. Although the reasons preventing the Nigerian people from integrating may have their roots in colonialism, it is important to realize that societies need to connect to share ideas, products, and services. Such a constitutional framework has adversely affected the country's constitutional democracy. This means that the constitution is not indigenous to the people. Respect for the rule of law, basic human rights, the right to free speech, the separation of powers, justice, equality, and the development of institutions for efficient service delivery are essential components of a democratic constitution (Ogugua and Ogugua 2015, 195). Additionally, due to the introduction of the Sharia Court of Appeal in 1978 and the effort to

substitute Islamic law with the colonial constitution, religion became Nigeria's cornerstone of social politics. Both faiths' adherents compete with one another for control of important governmental offices. Nigeria's illegitimate status contributes to national strife and disorganization by disregarding minorities' rights, an expression of the majority, and the concept of unity in diversity. While northern military commanders were quietly preparing an updated constitution extending Sharia and Islam across the nation, the South rejoiced in the president's transfer to it. This constitution established six geopolitical zones, three in the South and three in the North. To be elected to his first full term in government in 2011, Goodluck Jonathan beat Muhamadu Buhari, a contender from the North. Following Jonathan's triumph, there was extensive rioting in the North, which resulted in the deaths of thousands of Christians fleeing the South.

Notwithstanding this, the West concluded that control must return to the North. John Kerry visited Nigeria many times, and President Obama publicly stated his wish for this to happen. Additionally, a business controlled by Obama aide David Axelrod actively supported the Buhari campaign (Desai 2022, 174). Therefore, the Nigerian constitution, which supposedly is the holder of Nigeria's democracy, should be indigenized to reflect the will of the citizens.

### **De-Militarizing Religion**

Boko Haram is an example of militarizing religion in Nigeria. With its destructive actions like suicide bombings and kidnappings, Boko Haram is a significant religious organization influencing Nigeria's internal and international policies. Abuja was forced to alter its international relationships due to Boko Haram's attacks against the United Nations headquarters in Nigeria in early 2011, the abduction of the Chibok girls in early 2014, and its declaration of affiliation with ISIS in 2015. With these ugly phenomena, foreign nations can make policies that disadvantage Nigeria's democracy.

### **Mitigating Religion for Politics**

Many Nigerians see blending politics and religion as a barrier to advancement and development. According to Balogun (2023, 2), this concept may be traced back to the Middle Ages in Europe, when governmental and ecclesiastical powers fought. Recent research shows that interaction involving politics and religion is not necessarily counterproductive (Balogun 2023, 1). However, there are certain risks to peace, progress, and democracy in multi-religious countries when religious groups compete for money and power. The Christian Association of Nigeria (CAN), as well as the Northern Christian Elders Forum, cautioned regarding the selection of Muslim vice presidential nominees of the All Progressives Congress (APC) and the Peoples Democratic Party, which has made this apparent in the run-up to Nigeria's 2023 presidential elections. Although religious organizations have a legitimate interest in who holds the reins of power in the country, the amount of their interference might spell major trouble for the government. Religion asserts that it is founded on a supernatural power higher than the power of the government and thus undermines the validity of that authority. This is why religion must be tamed to provide a conducive atmosphere for sustainable democracy in Nigeria.

## **Deemphasizing Government Funding of Religion**

Today's important Christian and Islamic pilgrimage locations include Jerusalem, Rome, Santiago de Compostela, and Lourdes. Muslims make pilgrimages to Mecca and Medina, while Christians make theirs to Jerusalem and Rome, among others. The nationally recognized Hajj Commission of Nigeria and the Nigerian Christian Pilgrim Commission are among the religious organizations the Nigerian government heavily financially supports. For instance, in 2020, 2.6 billion naira was set aside in the national pilgrimage budget (Udo 2020, 1). Such a scenario does not portray government neutrality on religious matters. Some civil society organizations in the country have shown patriotism by opposing such huge financial appropriations, but the government has remained silent. I argue that the financial sponsorship of religions in any guise is a call to bring religion into national politics, which is detrimental to national democracy. The stoppage of government sponsorship of religions also lessened foreign control or negative interventions on national economic and political matters.

## **Reorientation of Religious Education towards Democracy**

Historically, education and religion were the cornerstones of every European empire from the thirteenth century through the epoch of decolonization during the twentieth century. One of the main contributors to this development was the arrival of Christianity, first in its Catholic form and then in its Protestant form during the Reformation. Sometimes, the emphasis on Protestant and Catholic missions throughout the history of colonialism is contrasted with the emphasis on Biblical literacy that characterized the Protestant missionary initiatives of the British Empire. Combining educational with theological reasoning is shown by the Protestant doctrine of *sola scriptura*, whereby studying God's Word becomes necessary for salvation and well-being (Gearon 2021, 2). Democracy promotes citizens' well-being. Throughout the period of European empires, little consideration has been devoted to the way religious education integrates into the discussion of democracy and governance. Today, this mixing link could be corrected by reworking religious education curricula in Nigerian schools to integrate the promotion of democracy, good governance, and political leadership.

## **Reviving Native Languages**

Recovering indigenous languages and re-examining the effects of capitalism and religions on Nigerians' way of life are steps in the decolonization process and democracy revivalism. It also entails re-examining the religions' historical foundations to comprehend how Nigeria inherited religions built on the enslavement and coercion of white people into assimilation. Avalos (cited in Higgs 2023, 4) analyzes the exclusion of interested voices, the continued political usefulness of religion, and the rejection of academics to acknowledge the validity of thinking about non-western epistemologies. He advises group activities to stop reproducing and maintaining established colonial hierarchies and power structures in academia to encourage broader decolonization activity. Decolonizing religionism may include partly tearing down barriers that were put up to combat colonial-religious presumptions and giving



theologically interested studies a more legitimate place within the practice that will favor good governance in human society. This new interpretation of underlying hope and other dangerous pursuits is an effort to highlight the significance of religious transformations as a component of social strata that are subject to contestation (Ottuh 2023, 213). These transitions revitalize agency while integrating personal identities and political justifications.

## CONCLUSION

Nigeria is the world's largest country of the black race and one of the African countries with the most religious diversity. This article examines the obstacles to a robust democracy in Nigeria brought about by Western countries' intervention using religion as a tactic. Significantly, the current global imperialism of Western control, existence, and knowledge has been brought about by globalization. Decolonization aims to deconstruct global inequalities and power structures. Decolonizing religion in many forms serves as a solution for Nigeria's democracy and the autonomy and self-sufficiency of religion. Western countries have used religion to oppress, abuse, and enslave people since colonization, which has exacerbated socioeconomic stagnation, constitutional abuses, the sense of inadequacy of individuals, and the vulnerable position of most secular states. De-internationalizing religion is essential to building a more efficient and enduring democracy in Nigeria. It also involves reducing government financial support for religion, reworking religious education curricula to promote democracy, restoring indigenous languages, and re-evaluating the impact of capitalism and religion on Nigerians' way of life. Furthermore, it involves removing barriers to fight colonial religious presumptions and providing theologically motivated research to support more legitimate positions on religionism and democracy.



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# ON THE TRANSPARENCY OF ELECTORAL CAMPAIGN FINANCING IN ALBANIA AND NORTH MACEDONIA

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**Abstract:** *This paper analyzed the legal framework regarding transparency in financing political parties for the election campaign in Albania and North Macedonia. The main object was the identification and analysis of the changes in the legislative solutions that are implemented in these two countries for issues related to (i) the method of reporting the financing of the election campaign, (ii) the periodicity and time of reporting, (iii) the publication of donations with private funds, (iv) the institutions of monitoring and auditing financial reports, (v) publication of financial reports and (vi) sanctions for violators of the law. The assessment of the level of law enforcement, as a reflection of the differences in the two countries' efforts toward the development of democratic elections, was part of the objectives of this study. The comparative analysis was the main methodology used in this paper. Based on the results of this analysis, it can be confirmed that the national legislation for the financing of election campaigns in Albania and North Macedonia is: (i) drafted following the requirements and standards defined in international documents, (ii) the differences are a reflection of the process of democratic development of these two countries. The quality in the implementation of the legislation was identified as a factor with hindering effects on the transparency of the financing of political campaigns. The commitment to improve the legislation aiming, in particular, additional capacities development for controlling and law-enforcing institutions, as well as the engagement in education and strengthening the culture for implementing the rule of law, are necessary for both countries.*

**Keywords:** *Electoral Campaign; Finance; Transparency; Law; Albania; North Macedonia*

## INTRODUCTION

Free and fair elections, which allow individuals to express their sovereign will in selecting their representatives in both central and local government, are influenced by several fundamental democratic principles. These principles are enshrined in the United Nations Universal Declaration of Human Rights and the International Convention on Civil and Political Rights. Elections serve as the sole means in a democratic society by which political parties strive to attain their fundamental goal of participating in the nation's governance. To effectively carry out their essential functions, political parties require suitable funding. In this regard, as noted by Ingrid van Biezen (2003): "It is important to emphasize that because of the potentially distorting effect money may have on the democratic process, it is important that the role of money in politics is properly regulated by public law" (p. 12).

In order to increase the confidence of citizens in their political systems, the Council of Europe member states pay special attention to the drafting and updating of the legal framework governing the financing of political parties and their electoral campaigns. Open and transparent political financing is as important to the democratic state as the free and fair election process (Ninua and Sadashiva 2009). The transparency of resources linked to political financing is

recognized as a universal principle in Article 7 of the United Nations Convention against Corruption (UNCAC): “enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties”.

Consequently, drafting the national legislative framework, which will increase transparency and accountability in financing electoral campaigns, is of utmost importance.

The Organization for Economic Cooperation and Development (OECD 2016) alleges that “finance is a necessary component of the democratic process. It enables the expression of political support and competition in elections. However, money may be a means for powerful narrow interests to exercise undue influence, resulting in inadequate policies against the public interest”.

According to the Council of Europe (CoE), Venice Commission, and Organization for Security and Cooperation in Europe (OSCE) (2020), the legislative framework for the financing of political parties and their election campaigns must address and provide solutions to issues related to (i) balance between private and public funding; (ii) restrictions on the use of state resources, (iii) restrictions and limits on private contributions, (iv) spending limits for electoral campaigns (v) requirements that increase the transparency of party funding and credibility of financial reporting (vi) independent regulatory mechanisms and appropriate sanctions for legal violations, (vii) prohibition or restriction of foreign funding (Venice Commission 2020, 59).

The election campaign financing contains risks that may affect the quality of democracy, governance, and the rule of law (GRECO 2009; Babameto 2021). Therefore, states shall inspect and control mechanisms regarding the way how political parties are financed and how they spend their money during political campaigns.

According to Falguera et al. (IDEA 2014), free and fair elections, democratic politics, effective governance, and corruption are all linked to political finance. The financing of political parties and their electoral campaigns can affect each of them positively or negatively.

The current literature pays special attention to transparency and accountability problems in financing electoral campaigns. In a large part of these publications, there is a significant difference between the quality of dealing with these problems in the legislation and the level of implementation. As a rule, legislative solutions are aligned with the requirements of international documents. Such solutions deal with the rules and conditions of the political parties, which aim to increase transparency and accountability for financing electoral campaigns. Meanwhile, implementing the legislation for monitoring, controlling, and auditing the funding is not always drafted following the given requirements. Consequently, it is impossible to clearly and accurately identify the funding sources and their use by political parties for the electoral campaign (IDEA 2019). In particular, this situation is even more serious concerning non-public funds donated to political parties.

The identification of the differences that exist between the legislation and its implementation, as well as the assessment of their consequences in fulfilling the standards in the electoral processes, are issues of high interest for researchers (Pinto-Duschinsky 2002; Roper 2002; Ingrid van Biezen 2003; Jouan 2012; McDevitt 2013; Hila 2013; Babameto 2021; Wood and Grose 2021; Bërdufi and Krasniqi 2022; Duri and Resimić 2022, Zhupanoska et al. 2022, Kume 2022; Naumovska and Dimitrovska 2022).



Albania and North Macedonia are countries with new experiences regarding democracy and the rule of law. The changes in the political system that occurred at the beginning of the 90s confronted these countries with the challenges of building a pluralistic system, which is achieved through the realization of democratic elections. Political parties use significant financial resources to achieve their objectives as the main subjects in the elections. Such resources are always exposed to the risk of unidentified funds or funds from private donors that aim to create spaces for interference in public decision-making. Such a risk is also related to the opportunities created for intervention based on geopolitical interests in the Western Balkans region. These circumstances increase the need for drafting a more effective legal framework for financing the election campaign in Albania and North Macedonia and a total commitment to its implementation.

## AIMS AND METHODOLOGY

### Aims

The aims of this study consist of the following issues:

1. An analysis of the legal solutions provided in Albania and North Macedonia regarding the transparency of election campaign financing will be conducted.
2. The alignment of legislative solutions with international requirements and standards will be examined.
3. A comparative assessment will be conducted to evaluate the level of implementation of the legal framework in Albania and North Macedonia to identify strengths and weaknesses in key areas.

### Research Questions

1. Is the national legislation for the transparency of election campaign financing in Albania and North Macedonia aligned with the requirements and standards outlined in the international documents?
2. Is there a difference in the handling and solutions of issues regarding the transparency of election campaign financing in Albania and North Macedonia?
3. Are there differences in the legal instruments foreseen in the national legislation in Albania and North Macedonia for the transparency of the financing of the election campaign?

### Methodology

The analysis of the national legislation of Albania and North Macedonia for the identification of the instruments and mechanisms that are foreseen for the transparency that should accompany any financing, public or private, for the election campaign and the evaluation of their compliance with the requirements of international standards, was carried out as a desk study. The evaluations given in the final reports for the elections drawn up by the international

observer missions of the OSCE/ODIHR were used to judge the level of implementation of the legal framework. For the quantitative assessment of transparency and accountability in campaign financing, we used the methodology compiled by Transparency International and the Carter Center (Ninua and Sadashiva 2010). According to this methodology, the CRINIS index was further evaluated as a quantitative tool that measures the level of transparency in the financing of political parties. The methodology implies examining the regulatory framework on transparency of political financing and its implementation *vis-à-vis* international standards.

The level of transparency is quantified by taking into consideration ten dimensions: (1) internal bookkeeping; (2) reporting to the oversight agency; (3) scope of reporting; (4) depth of reporting; (5) reliability of reporting; (6) public disclosure; (7) preventive measures; (8) sanctions; (9) state oversight and (10) public oversight.

The general level of transparency and accountability of financing of electoral campaigns was evaluated as an overall average of the ten above dimensions. For quantitative evaluation, a scale of 1-10 was used. A score of "10" indicates fulfillment of all expected criteria regarding transparency and accountability, and "0" indicates fulfillment of none of the criteria. Scores are grouped into three evaluation categories: insufficient (0-3.3), average (3.4 to 6.7), and satisfactory (6.8 to 10). The comparative analysis of the CRINIS index and the quantitative evaluations of its dimensions, calculated for legislation and its implementation, were used to judge the differences between countries related to legislative solutions and the level of their implementation.

## **A BRIEF OVERVIEW OF LEGISLATION RELATED TO ELECTORAL CAMPAIGN FINANCE**

Transparency in the financing of political parties in Albania is provided by the constitution. The Constitution of the Republic of Albania, approved by a general referendum on 28 November 1998, as amended to 2020, in Article 9(3) stipulate, "The financial sources of parties, as well as their expenses, are always made public" (Venice Commission 2016). Albania is the only country in the Western Balkans whose Constitution has such a provision. According to this constitutional provision, the legal framework regarding the financing of political parties, Law No. 8580, dated 17.02.2000 "For Political Parties", amended and Law No. 10019, dated 29.12.2008 "Electoral Code of Republic of Albania", as amended, pays special attention to the provisions that create the necessary legal basis for transparency and accountability of political parties financing and their electoral campaigns.

In North Macedonia, the financing of political parties and their electoral campaigns is regulated by Law "On financing political parties" (2004), last amendments (2020), and Electoral Code (2006), last amendments (2021).

The legislation for financing political parties and their election campaigns in the countries analyzed regulates the financing of political parties from financial and material resources, public and private.

The national legislations in Albania and North Macedonia contain provisions that regulate issues related to the relationship between public and private financing for the electoral campaign, the limits of financing with non-public funds, the obligation to declare these funds and their source, the conditions that a private donor must fulfill, institutions that have the right

and obligation to monitor and audit the financing of the electoral campaign, penalties that are applied for violations of the law. In all of these countries, financing electoral campaigns from foreign governments, international institutions, bodies, organizations of foreign states, and other foreigners and funds from joint ventures with dominant foreign capital is prohibited. The legislation in these countries also includes provisions prohibiting using state resources in favor of or against a political party or candidate.

In Albania, the law specifies that private funds exceeding an amount of 100,000 Lekë (approximately 720 EUR) should be donated only through a designated bank account opened by the political party. It also prohibits donating private funds from individuals or entities who do not declare their identity or whose identity is not clearly defined to the beneficiary political party. According to the Albanian Electoral Code, the Central Election Commission (CEC) is the public institution responsible for financial control. The CEC formulates and approves rules for compiling and auditing financial reports and imposes sanctions for irregularities and failure to declare donors or the number of donations.

The Electoral Code (2006, amended) of North Macedonia defines the rule according to which the maximum value of expenses that political parties are allowed to make for the electoral field must be calculated. Article 15, Law "On financing political parties" determines that the free-of-charge services for a political party, the services for political parties paid by a third party, and the sale of goods and services to political parties for prices lower than the market prices shall be considered donations. The political party or candidate must reflect them in the financial report for the electoral campaign. According to the law, political parties must regularly report their finances. Annual financial statements are submitted to the State Audit Office and the Public Revenue Office (Law on Financing Political Parties Articles 25, 27, 27a; (2004, amended)). In Electoral Code (2006), amended, Articles 84b and 85 detail the deadlines when political parties must submit reports on income and expenses for the electoral campaign to the State Election Commission, State Audit Office, and the State Commission for Preventing Corruption and they shall publish them on their websites. This is a different legislative solution from what is applied in Albania. Articles 20, 28, and 32 in Law on Financing Political Parties (2004, amended) define sanctions for political finance infractions that are all administrative sanctions, such as fines for political subjects, candidates, or their finance managers.

The answer to the first research question is provided by comparing the above legislative solutions with the requirements in the international documents (IDEA 2017). The legislative bodies in Albania and North Macedonia have paid special attention to drafting a legal framework that meets the requirements of international standards related to the transparency of the financing of political parties. How these national legal frameworks deal with the problem of transparency in the financing of election campaigns and the mechanisms foreseen for its realization reflect the recommendations and international technical assistance, especially the OSCE/ODIHR and the Council of Europe, which has been present in these three countries.

## ANALYSIS OF LEGISLATION AND ITS IMPLEMENTATION BASED ON THE CRINIS INDEX

### CRINIS Index: Overall Averages

Based on the value of the CRINIS index (Figure 1), the two countries are classified as countries with an “average” level of transparency in electoral campaign financing.

The two countries are estimated to have addressed and provided legislative solutions to issues related to transparency in the financing of election campaigns following the requirements and standards in international documents and the EU legislative framework. According to the “law” component of the CRINIS index, all two countries are classified at the “satisfactory” level. Meanwhile, it should be noted that the value of this index for Albania is higher than for North Macedonia. Such a fact can also be explained by the increased presence and technical assistance of international organizations, OSCE/ODIHR, CoE, etc., in Albania, in the process of drafting the legislation for the elections and, in particular, for the financing of the electoral campaign (Persen and Kamolli 2016). The changes made in the Albanian legislation, the Electoral Code, and the Law on Political Parties, which do reflect the recommendations given by international institutions and experts, have significantly improved the Albanian legislation in terms of the financing of political parties and the election campaign (Persen and Kamolli 2016; Babmeto 2021).

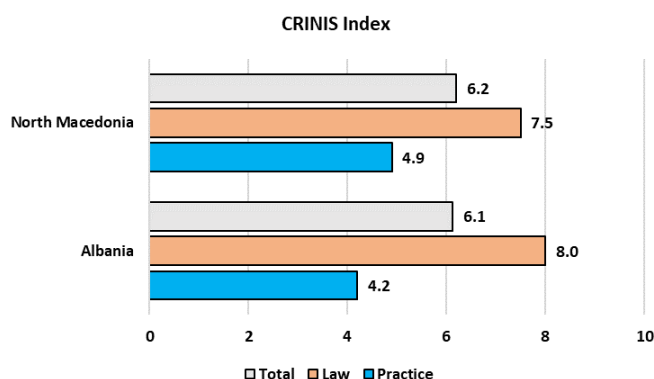


Figure 1: CRINIS Index: Overall Averages (Source: Author’s depiction; Taseva 2013)

The developments and the positive progress in the legislation for financing political parties and their election campaigns in the two countries analyzed have not been accompanied by increased quality in its implementation. According to the “practice” component of the CRINIS index, Albania and North Macedonia are classified at the “average” level for the quality of the law implementation. Albania is evaluated at a lower level, about 8.7% lower than North Macedonia.

Comparing the results published by Taseva (2013) with the results published by Zhupanoska et al. (2022) shows that political parties in North Macedonia during this period have not managed to make significant progress in the transparency of the financing of their electoral activities and campaigns. Referring to the values of the Transparency Index for these financings,

Zhupanoska et al. (2022) point out that political parties in North Macedonia are classified at the “satisfactory” level. This level is equivalent to the “average” level according to the CRINIS index (Taseva 2013).

As pointed out by Lipcean et al. (2022), to increase transparency in electoral campaign financing, it is not enough to draft adequate legislation aligned with the standards and requirements of international documents. It is important to find effective solutions for the mechanisms that should be used for its implementation. Lipcean et al. (2022) emphasized that, especially in countries in the process of democratic development, these mechanisms must possess the qualities and the capacities that make for their implementation to be influenced as little as possible by political parties. In the case of Albania, such a solution has not been achieved. Among the factors that have influenced this situation is the Central Election Commission (CEC), whose members are proposed and represent political parties. As a result, in implementing the task of monitoring and auditing the election campaign financing, this institution has failed to avoid the pressure exerted by the political parties. This situation is also present in the institutions that the legislation in North Macedonia charges with the task of implementing the legislation for the transparency of the financing of the election campaign (Zhupanoska et al. 2022).

Based on the above results, in response to the second research question, it can be affirmed that the given legislative solutions for the transparency of the election campaign financing and the level of their implementation in Albania and North Macedonia are different.

### **Analysis of the Dimensions of the CRINIS Index**

Analyzing the quantitative evaluations for the ten constituent dimensions of the CRINIS index provides the opportunity to judge the instruments and the ways defined in the national legislations, which aim at transparency in the financing of the election campaign as one of the important requirements and standards for democratic elections. The aggregate average values of the ten dimensions of the CRINIS index, evaluated for Albania and North Macedonia, are given in Figure 2.

They relate to the “internal bookkeeping” dimension; all two countries are classified at the “average” level. According to their national legislation on the accounting of non-profit organizations, political parties are obliged to keep accounting books and a registry of their assets. Such a register is necessary for developing the party’s activity, particularly for the electoral campaign. For this reason, political parties pay attention and are always committed to developing the capacities for the good administration of their finances following legal conditions.

Albania and North Macedonia are classified as the “average” group for the “reporting to the oversight agency” dimension. This dimension judges how it is handled in the national legislation and how it is implemented in practice the request for information and transparency that must be fulfilled by all service providers and donors for financing political parties and their election campaigns.

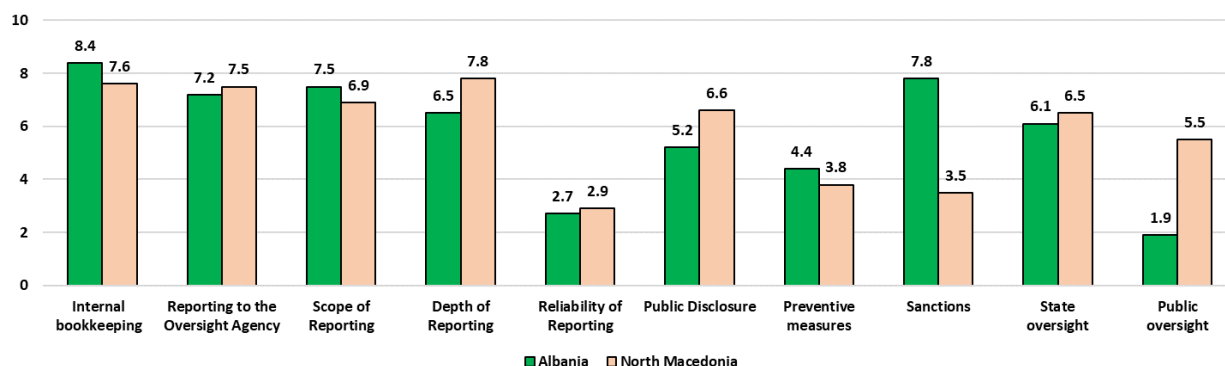


Figure 2: CRINIS Index: Aggregated Averages (Source: Author's depiction; Taseva 2013)

The Albanian Electoral Code requires political parties to report to the CEC any financial support, in money or kind, that they receive from private donors for the election campaign. The publication, in real-time, of private financing, the obligation to accept private financial funds only in a specific bank account that the political party is obliged to open four months before the day of the elections, the standardization by the Central Election Commission (CEC) of the format that political parties must use for the declaration of non-public funds and their use, are legislative solutions that enable transparency in the financing of the election campaign. The Electoral Code devotes a special place to issues related to the role of the media in elections and their monitoring. The CEC shall approve and publish the Media Monitoring Methodology no later than three months before the election date. CEC is the institution for reviewing and making decisions on the problems presented in the periodic reports of the media regulatory body.

According to Article 85 of the Electoral Code, political parties in North Macedonia are required to render financial reports on their election campaign to the State Audit Office (SAO), the State Commission for Preventing Corruption (SCPC), the State Election Commission (SEC) and the assembly. The political parties are obliged to submit periodical financial reports to these institutions. Otherwise, media companies submit reports within 15 days after the completion of the elections. These reports show information about the advertising space used by each organizer and the number of assets used for advertising.

Regardless of the requirements of the legislation for periodic funding reporting, political parties in North Macedonia do not publish periodic and easily accessible financial statements and reports (Zhupanoska et al. 2022). The same situation is with the political parties in Albania (Babameto 2021).

The above legislative decisions show that in these countries, political parties, as recommended in international documents, are obliged to report on the election campaign financing. Meanwhile, it should be noted that there are differences between these solutions. The North Macedonian legislation, which provides for reporting to three public agencies and the parliament, creates more favorable conditions compared to those created by the legislation in Albania for transparency in the election campaign financing.

According to the "scope of reporting" dimension, two countries are classified at the "satisfactory" level. Their legislation foresees the obligation for political parties and their candidates to report public and donations funding and expenses from private donations and



public subsidies. The law compels parties to record all campaign expenses and to compile a balance of payments sheet for the election period.

The “depth of reporting” legislation in Albania and North Macedonia is relatively strong since all the information on each donation and expenditure must be properly identified and itemized. Legal requirements for reporting expenses are also satisfactory because reports must include information such as the date of each expense, the amount of each expense, the name of each vendor, and the official registration for each vendor. However, implementing the law in practice is not at the same level in these countries. This is the reason why, for the “depth of reporting” dimension Albania, unlike North Macedonia, is classified at the “average” level. Political parties in Albania often avoid the obligation to report all the expenses they make for the election campaign. As a result, the differences between reported values and actual expenses are large and easily perceptible by the public.

Due to its close ties to transparency, one key element of reporting is its “reliability”, or the belief that a report’s data is accurate. Meanwhile, measuring the reliability of data is difficult. The law cannot do this, so in the legislation of the three countries, such an issue is not addressed. Data reliability can only be assessed through the analysis of perceptions and opinions, which in many cases, are influenced by the political preferences of the people being interviewed. Two countries analyzed the opinion on the reliability of the political party’s election campaign reports, resulting in an “unsatisfactory” score.

Legislation in both countries obliges public institutions to which political parties submit their financial reports to publish these reports on their websites. Meanwhile, it should be noted that the legal framework in Albania for political parties does not provide, in explicit form, such an obligation. Albania’s Law on Political Parties does not oblige them to publish their financial statements and reports online. In Albania, the publication by political parties of their financial reports can be considered an obligation derived from the constitutional provision, according to which “the financial sources of parties, as well as their expenses, are always made public” (Article 9). In North Macedonia, there is an explicit obligation for such reporting. According to Article 25 of the Law on Financing of Political Parties, the party must report on each donation based on the register of donations. This report is then submitted to the State Audit Office and the Public Revenue Office of the Republic of North Macedonia.

It is important to note that national legislation in both countries provides alternative ways to publish election campaign financing. Civil society organizations, media, or citizens can engage in the monitoring of party finances. The two countries are classified at the “average” level regarding this dimension. Meanwhile, it should be noted that North Macedonia is in a higher position than Albania. This result underlines that the civil society in this country has developed more capacities than in Albania in demanding transparency from political parties to finance election campaigns.

Regarding the “preventive measure”, as the dimension of the CIRNIS index, Albania and North Macedonia are classified at the “average” level. The legislation obliges political parties to transparently donate natural and legal persons through a bank account and include them in their financial reports. The law does not prohibit donations in cash, but for them, the legislation of each country provides a maximum limit. The legislation does not require donors to submit reports about their donations to the election campaigns. Neither do fiscal incentives exist for



donors to disclose information regarding their donations to election campaigns. Reports on donations are submitted only by the political parties running legislative elections.

Albanian legislation and its implementation regarding “sanctions” are evaluated at the “satisfactory” level. At the same time, for North Macedonia, this dimension’s evaluation positions them at the “regular” and “insufficient” levels. The amendments to the Albanian Electoral Code with Law No. 101/2020, dated 23.7.2020, have significantly expanded the scope of sanctions in the case of violations of the provisions of the Electoral Code for the electoral campaign and its financing. The current Electoral Code deals in detail with issues related to the use of public assets for the electoral campaign, public and private, national and local media relations with electoral subjects and their candidates, the obligation to report every donation, regardless of its value, determines the maximum limit in the value of donations that an electoral subject could benefit from, including its candidates, and, for every case of violation in the Albanian legislation, the Electoral Code and the Criminal Code, administrative and/or criminal penalties are provided. Implementing these amendments in the 2021 parliamentary elections demonstrated their value for increasing transparency in the financing of the election campaign.

In North Macedonia, the law establishes financial penalties for the candidates running for elections in different forms. These forms of financial penalties vary from loss of the reimbursement for the expenses for the election campaign, fines for abuses of funds from the budget, fines for misdemeanors of a political party or coalition if they fail to return the funds in the prescribed period to the donors in case of non-submission of the lists of candidates. Regarding the media, the law penalizes media companies for non-compliance with the rules on advertising space in legislative campaigns. However, the law does not place criminal or political responsibility on the offenders but only on symbolic financial fines (Taseva 2013). The value of the “sanction” dimension positions North Macedonia at the “average” level.

The differences regarding the legal framework for sanctions between Albania and North Macedonia are obvious. Based on the important effects of sanctions for creating a supporting ground for the transparency of the election campaign financing, North Macedonia should refer to the Albanian legislative solution.

For the evaluation of “state oversight”, according to the CIRNIS methodology, it is necessary to evaluate the level of political independence of oversight institutions and the assessment of their technical capacities for the fulfillment of the law. Referring to the values of this dimension (Figure 2), Albania and North Macedonia are classified at the “average” level. The appointment of members of oversight institutions in the two countries analyzed is based on the principle of political proportional representation. These countries’ legislation provides mechanisms that ensure political independence in the activity of these institutions. Political parties’ influence on these institutions’ work is evident (Babameto 2021; Taseva 2013). In Albania, the CEC is the only institution that the law charges with supervising the financing of the electoral campaign. Despite this, the support of this institution to develop the necessary technical capacities is insufficient. The current legislation, the Electoral Code, does not provide for establishing and operating any special structure in its organizational structure. To complete the task of monitoring and auditing the financing for the election campaign, CEC engages, with temporary contracts, licensed audit specialists (Babameto 2021).

The State Audit Office (SAO) in North Macedonia oversees the campaign finance. The powers of the SAO are not defined in the constitution, but the State Audit law regulates them. It is estimated that the work results of this institution do not match the expectations<sup>1</sup>.

Regardless of the differences in the legal definitions for the institutions responsible for overseeing the campaign finance between Albania and North Macedonia, no fundamental changes are identified concerning this dimension of the CRINIS index.

Albania and North Macedonia's legislation provides no special provisions for regulating issues related to public oversight. Civil society organizations and the media, accredited as domestic observers, oversee these countries' public. In order to evaluate the level of transparency in the election campaign financing, these organizations observe and evaluate the level of law enforcement by political parties, their candidates, and by public, central, or local institutions, focusing more on the use of public assets. The objects of their observation are the relations between the electoral subjects and the media, the expenses incurred for election campaign activities by political parties and their candidates, the implementation of law requirements for financial reporting of political parties on election campaigns, and the monitoring and auditing of financial reports from the institution provided for by the law. NGOs play an important role in detecting flaws in the legislation, identifying holes in the implementation, and proposing solutions. The NGOs' reports on the election campaign financing are important to identify flaws in the legislation. The recommendations given in these reports serve as proposals for legislative solutions that make it possible to increase transparency and accountability in political finance (OSCE/ODIHR 2015). Referring to the quantitative assessment for the public oversight dimension, Albania is classified at the "insufficient" level, and North Macedonia is classified at the "average" one.

Based on the above results, as an answer to the third research question, it can be affirmed that in Albania and North Macedonia, different legal instruments, institutions, and ways are used for monitoring and evaluation of transparency in the financing of the election.

### **CRINIS Index: Law vs. Practice**

As Morgenbesser (2014) points out, in order to judge the level of society's commitment to transparency in the financing of the election campaign in countries that are in the process of developing democracy, it is necessary to make a combined analysis that includes analysis of the legislation and judgments regarding the level of its implementation. Such a methodical approach is necessary for Albania and North Macedonia, countries with transitional democracy or hybrid regimes (Freedom House 2022). As a rule, in these countries, the differences between the legislation and the level of its implementation are significant. As a result, the judgment and the evaluation for transparency in the financing of election campaigns are necessary to be developed as a process that results from the cooperation of law and culture for the respect of

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<sup>1</sup>"The reports published by the SAO on election financing are not in accordance with the laws and standards for audit. In its findings the State Auditor's Office failed to obtain their function of supervision and control. The auditors did not establish the appropriate procedures that would lead to pointing out accountability and punishing those that were responsible in the election campaign". See: "Buying Influence: Money and Politics in the Republic of Macedonia", Crinis Research Project - "Shining a light on money in politics". Transparency International Macedonia, 2013.

the rule of law. Table 1 gives the values of the 10 (ten) dimensions of the CRINIS index and the corresponding values of law and practices for each.

**Table 1: CRINIS Index: Law vs. Practice (Source: Author's depiction; Taseva 2013)**

| Dimension                     | Albania    |            |            | North Macedonia |            |            |
|-------------------------------|------------|------------|------------|-----------------|------------|------------|
|                               | Total      | Law        | Practice   | Total           | Law        | Practice   |
| Internal Bookkeeping          | 8.4        | 9.6        | 7.2        | 7.6             | 7.7        | 7.5        |
| Reporting to Oversight Agency | 7.2        | 9.8        | 4.6        | 7.5             | 7.9        | 7.1        |
| Scope of Reporting            | 7.5        | 9.2        | 5.8        | 6.9             | 7.6        | 6.1        |
| Depth of Reporting            | 6.5        | 8.2        | 4.8        | 7.8             | 8.1        | 7.5        |
| Reliability of Reporting      | 6.2        | 8.4        | 3.6        | 2.9             | 0          | 2.9        |
| Public Disclosure             | 5.2        | 7.8        | 2.5        | 6.6             | 9.7        | 3.5        |
| Preventive Measures           | 4.4        | 8.1        | 1.1        | 3.8             | 4.8        | 2.7        |
| Sanction                      | 7.8        | 9.4        | 6.2        | 3.5             | 5.3        | 1.7        |
| State Oversight               | 6.1        | 8.2        | 4.0        | 6.5             | 8.7        | 4.3        |
| Public Oversight              | 1.9        | 1.6        | 2.2        | 5.5             | 0          | 5.5        |
| <b>Overall Average</b>        | <b>6.1</b> | <b>8.0</b> | <b>4.2</b> | <b>6.2</b>      | <b>7.5</b> | <b>4.9</b> |

The difference between the quality of the legislation dealing with transparency issues in the election campaign financing and its implementation is identifiable in the two countries. In Albania, the assessment for the solutions offered by the legislation is about 90% higher than the assessment for its implementation, while this difference in North Macedonia is estimated at 53%.

In Albania, the legislative process related to the financing of election campaigns has been developed as a complex process. Its progress has been influenced by factors of different natures, political, social, economic, tradition, experiences, culture, and behavior of the Albanian society towards the requirements of the rule of law. In many cases, the behavior of political parties in Albania towards this legislative process has been a hindering factor (Petersen and Kamolli 2018). The significant difference between the quality of the legislative solutions that deal with issues of transparency in the financing of election campaigns and their implementation is associated with the election processes in Albania. This fact is constantly emphasized in the final reports of the OSCE/ODIHR international observer missions, which deal with observing the election process in Albania.

The legal framework regulating election campaign funding in North Macedonia is considered well-developed. Meanwhile, it is important to emphasize that the quality of the legislative solutions is significantly better than their implementation in practice. According to Taseva (2013):

There is a large discrepancy between the *de jure* and *de facto* situation; control is not efficient, and sanctions are not enforced in practice. There is much to be done in order to make political parties report their funds in a trustworthy and reliable way. The oversight authorities responsible for the application of the controlling mechanism need to strengthen their capacity and to act in a nonselective and non-biased manner that will increase the accountability and responsibility of all political actors and donors (p. 14).

The analysis of the differences between the values of the CRINIS index, corresponding to law and practice, considering the various dimensions of this Index, evidences the fact that political parties, legislative bodies, institutions, and civil society in Albania and North Macedonia do not have essential differences in their behavior to the requests for transparency in the financing of election campaigns. The dimensions for which the greatest differences between the legislation and its implementation are assessed are the same in these countries. Among these dimensions stand out: (i) reporting to oversight agency, (ii) public discourse, (iii) preventive measures, (iv) sanction, and (v) state oversight. This situation is characteristic of countries that do not have enough experience and sufficient capacities to exercise democracy. For countries like Albania and North Macedonia, technical assistance, support, and pressure from international organizations have proven more effective in drafting legislation than in its implementation. A comparative analysis of the evaluations for the CRINIS index and its ten components, focusing on law and practice in these countries, reveals that despite progress, there is still a lack of positive synergy between legislation and its implementation. The lack of transparency in electoral campaign financing undermines public trust in elections and the government.

Based on these findings, the following priorities can be included in the action plans of legislative bodies, government, and civil society in order to make progress in enhancing transparency in electoral campaign finance in Albania and North Macedonia: (i) drafting comprehensive regulations for monitoring and auditing party and candidate finances; (ii) creating opportunities to encourage a broad base of donors and establishing a healthy balance between public and private funding; (iii) supporting the increase in the capacities of independent and autonomous supervisory agencies and clearly defining their competences; (iv) implementing measures to facilitate the monitoring and observation of election campaign financing by civil society; (v) strengthening sanctions for those who violate laws and regulations related to financing with private funds and the misuse of public assets.

## CONCLUSION

Albania and North Macedonia have made significant efforts to align their national legislation on transparency of electoral campaign finance with international standards and requirements. Both countries have focused on limiting the negative influence of private financing in the electoral process. However, there are notable differences in the national legislations of Albania and North Macedonia regarding the monitoring, supervision, reporting,

and auditing of political party financing and candidate campaigns. The legislations address various aspects such as reporting methods, reporting periodicity, real-time disclosure of donations from private or in-kind sources, designated institutions responsible for monitoring and auditing financial reports, publication of these reports, and the corresponding legal sanctions. These provisions reflect the experiences of these countries in promoting democracy, their cultural norms, and adherence to the principles of the rule of law and the legal state. The difference between the law and its implementation is significant in the two countries. These differences are consequences of the changes that characterize the current stage of democratic development in these countries.

In order to enhance transparency in electoral campaign financing, which is crucial for the proper functioning of democracy and fostering citizens' trust in the electoral processes, it is essential for political parties, governments, and civil society in Albania and North Macedonia to demonstrate commitment towards improving national legislation that aligns with the country's social, economic, and political needs. Equally important is the strengthening of implementation capacities to ensure effective law enforcement.

Based on the findings of the comparative analysis, the following recommendations are proposed for consideration during the legislative reform process in Albania and North Macedonia:

1. Enhancing the performance of state oversight agencies.
2. Strengthening sanctions by reclassifying violations related to election campaign financing as criminal offenses.
3. Addressing the disclosure of donations through media advertising during the campaign period.
4. Regulating matters pertaining to public oversight.
5. Introducing tax incentives to encourage private donations to political causes.

Implementing these recommendations will improve the transparency and accountability of electoral campaign financing, foster a fair and inclusive electoral environment, and safeguard the integrity of the democratic processes in both countries.

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# UNDERSTANDING VOTER BEHAVIOR AND ELECTION DYNAMICS: A CASE STUDY OF THE 2021 LOCAL ELECTIONS IN KOSOVO

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**Abstract:** *This study aims to analyze whether the 2021 local elections in Kosovo can be classified as first-order elections based on sufficient evidence. Employing a quantitative approach and utilizing surveys among eligible voters, the methodology allowed for observing indicators supporting the local elections' classification as first-order. An empirical study was conducted using Google Forms, encompassing the entire region of Kosovo and involving a representative sample of respondents (n=596). The study also relies on data from the Central Electoral Commission (CEC). The research design employed a comparison approach and a deductive method. The study's key findings reveal that despite the diverse practices and ideologies of developed countries, the most recent local elections in Kosovo should be recognized as first-order elections.*

**Keywords:** *Local Elections; First Order Elections; Municipalities; Kosovo*

## INTRODUCTION

A fundamental aspect of "democratic governance is holding free and fair elections" (Felsenthal and Nurmi 2018, 5). Elections without these characteristics may or may not have occurred. However, their relationship to the "government of the people, by the people, and for the people", as Abraham Lincoln phrased, is questionable (Mieder 2005, 15).

Studies indicate that national elections are considered first-order elections, while local institutions are equally crucial for improving a nation's quality of life and overall state. This is due to the greater attention given to national elections, which often determine the parliamentary composition and the country's leadership. Despite their significance, elections at lower geographical levels are considered second-order elections and have received comparatively less scholarly attention than higher-level elections (Reif and Schmitt 1980). More specifically, elections that result in the formation of national governments are the most significant for the vast majority of voters and political parties (Schakel and Jeffery 2013); in contrast, local elections are regarded as second-order because voter preferences are more strongly influenced by the outcomes of national elections than by local election-related factors. In other words, the assertion is made that voter behavior in local elections, akin to that observed in other second-order domains, is influenced by factors stemming from first-order domains. Conversely, under other circumstances, voters will be more likely to cast a different vote, as they

do in European elections, and vote expressively, for instance, for small political parties and new parties, to condemn or support the parties in power at the national level (Gendzwill et al. 2022).

Furthermore, while determining whether an election is first- or second-order, Lijphart (1997), Nachmias et al. (2012), Freire (2004), and Reif et al. (1997) distinguish between two groups of possibilities in a significant way. Voters can make the crucial decision of who should lead the country in “first-order” elections. These include presidential elections in nations like the United States, Costa Rica, and the Philippines and general elections in nations with parliamentary governments like the United Kingdom, the Netherlands, and Germany. In contrast, “second-order” elections, which determine the outcome for smaller positions like those held by regional, municipal, and local politicians, are less significant because they are still susceptible to the impact of a national party’s policies. Furthermore, second-order elections often exhibit certain characteristics, such as lower voter participation, as fewer individuals feel compelled to vote due to the perceived lower stakes involved. The outcome is then closely related to how well-liked national parties are in a particular country as opposed to “second-order election campaigns” focusing on particular subjects, particular candidates, or local occurrences (Karp et al. 2002).

Otherwise, Marien et al. (2015) emphasize that voters are influenced by local preferences rather than national and ideological ones when they define local elections as first-order and that some characteristics, such as personality, experience, network, or personal connection - the voter’s closeness to the candidate’s family - strongly influence the choice of vote.

In this study, we examine whether the latest local elections in Kosovo present sufficient evidence to classify them as first-order elections. Through the analysis and comparison of the recent local and national elections, we observe a noteworthy shift in voter behavior that was previously absent. In essence, these elections have demonstrated two significant developments.

First, there is a significant difference in voter behavior, or even the opposite, with fewer votes in the central elections and more in the local ones. While one party wins convincingly in the central elections with more than 50% of the vote, it only manages to win a very small number of municipalities in the local elections, held only six months later.

Second, because the number of votes a party received at the local and national levels was roughly identical, this significant difference did not occur in the most recent and previous elections. As a result, the argument that there was a significant and roughly comparable proportion of voter participation in both the parliamentary and municipal elections within six months also supports the claim that there was a change in voter behavior in Kosovo’s most recent local elections.

This study is grounded on the premise that local considerations are prioritized by voters, leading to a higher likelihood of divergence from their party preferences in parliamentary elections. Furthermore, examining gender differences in the perception of voting divergence in national elections, along with variations in age, education, region, and location regarding voting divergence in parliamentary elections, constitutes our objective.

## VOTER MOTIVES AND PREFERENCES

According to certain studies, it has been found that voters' choices of candidates are influenced by multiple factors rather than a single one. It has been asserted by Miller and Wattenberg (1985) that by applying a two-dimensional retrospective/prospective politics/performance coding method to the verbal evaluations of candidates, voters can be categorized. Moreover, these two distinct methodologies have demonstrated that concerns regarding his past performance primarily influenced Carter's ratings. In contrast, evaluations of Reagan encompassed both the candidate's anticipated performance and future policy measures. In other words, according to the researchers in question, people cannot only judge candidates' past performance. However, they are often concerned with candidates' future policy implementation, although historically, neither retrospective nor prospective considerations have been the dominant focus of political thinking. Nevertheless, the public may consider candidates' explicit policy opinions when deciding during elections.

On the other hand, the Downsian model appears to be most suitable for challengers, as they are frequently evaluated based on their proposed future policies. Referring to the case of Kosovo, data from an exit poll with a sample of 2400 respondents, including 9 municipalities of the Republic of Kosovo in the study, indicates that regarding the decision to vote for mayor, the majority of respondents, or 74.5%, indicating that they made their voting decision before the election campaign. This suggests that voters in Kosovo place greater reliance on the retrospective voting preferences of candidates rather than prospective preferences (RTV Dukagjini 2021).

Regarding the motivations and preferences of candidates among American voters, Miller et al. (1986) point out three key criteria throughout history, such as competence first, followed by integrity and credibility. Competence, a criterion tied to performance, was the main dimension utilized by citizens from 1952 to 1984. Since 1964, however, the importance of integrity and dependability in candidate evaluations has increased. The general expectations that the public has of a president's performance seem to be influenced by both prior presidents' policies and present contenders' agendas.

In addition to the factors mentioned above, voters conclude from their observations of previous presidents regarding the qualities and behaviors they associate with political success. Consequently, they evaluate other candidates based on similar characteristics. As individuals consider these traits essential for effective governance, candidates strategically emphasize certain attributes during the campaign to convey their competence, integrity, and trustworthiness. Voters may also take into account a variety of other models that outline the evaluation procedure. Voters may evaluate candidates, for instance, by contrasting them with an ideal president or abstract ideal. According to this concept, regardless of their perception of Mondale, Reagan voters would favor Reagan due to his perceived high level of competence, making him their ideal choice for the presidency. An alternative model would allow voters to directly compare the two candidates across various typical characteristics (e.g., is Reagan more competent than Mondale?). Differentiating between different theories of individual-level cognitive processing becomes crucial in understanding the overall preferences of the candidates.

For years, there has been a belief that assessing candidates based on their traits is emotionally driven, irrational, and unsuitable for politics. However, candidate evaluations emphasize practical matters of how a candidate would govern rather than concerns about performance. In general, these evaluations present an idealized image of the president as someone who can be trusted to effectively address the country's challenges honestly and unbiasedly (Miller et al. 1986).

## VOTE DEVIATION

Since 1952, partisan voting patterns in congressional elections have diverged from presidential election results in two ways. First, there are often smaller variations between the party affiliations of strong and weak partisans (not shown due to data limitations in 2006 and 2010). Second, unlike in presidential elections, the exit rate does not change much from year to year. Both differences are attributed to the lower visibility of congressional races.

In presidential elections, the flood of information means that a particularly attractive candidate or compelling topic might touch the conscience of weak partisans, leading them to deviate from their conventional party affiliations; strong, tightly-knit partisans are more likely to resist. Information that might persuade weak partisans to defect is less likely to reach them in less well-publicized congressional contests. Weak partisans vote for their party affiliation when unaware of the candidates and issues. Particularly in the last two midterm elections, partisan turnout on both sides of the aisle was historically low (Elizabeth et al. 2018).

Karp et al. (2002) note that voters were influenced by the prospects for their party's candidate and their preferences for specific candidates when discussing vote divergence. As informed voters became aware that the electorate's vote would defeat their initial preference for a candidate from a particular party, a phenomenon known as "party voting desertions" emerged. Voters who stayed home because their party's nominee was unstable were more inclined to support more competitive and ideologically similar candidates. Those with a wide range of preferences and poor partisanship were likelier to switch parties. However, they were just as likely to vote strategically as voters with a strong sense of devotion to one party and a narrow range of preferences.

Marien et al. (2015) note, however, that in smaller municipalities, local candidates and their proximity to voters might override the preferences of national parties. Most respondents then discussed local factors concerning their voting motivations, citing everything from the candidates' stances on political matters to an evaluation of the current municipal authorities. It may be said that politics is quite local regarding municipal elections. Because voters directly know the individuals on the list, the election relies less on external factors. The idea that personality, experience, and personal networks matter more than ideology in municipal politics is strengthened (Marien et al. 2015).



## THE KOSOVO 2021 LOCAL ELECTIONS: A CASE STUDY

Kosovo has succeeded in building a strong legislative framework for local elections since the end of the war. Local elections in Kosovo follow democratic ideals, including fair competition and open voting. In formal terms, the mayor's role is highly powerful. Following Kosovo's Law on Local Self-Government, the municipality's mayor has extensive executive authority (Law on Local Self-Government 2008). On the other hand, the municipality, as a constitutional category in Kosovo, has its powers delegated by the central government, and a special case is local self-government in Kosovo, including the extended powers of the municipality for the non-majority communities living in the respective municipalities.

The municipality's powers include a wide range of local government issues it regulates (Law on Local Self-Government 2008). The municipality's revenues are numerous and come from many different sources (Law on Government Local Finance 2008), as are the responsibilities of local self-government arising from these powers, where the mayor has the right to issue ordinances and decisions within the scope of his competences (Law on Local Self-Government 2008). In this way, the municipality and the mayor greatly affect the standard of living of the people of Kosovo. As a result, this empirical study aims to investigate the most influential factors on the electorate that directly votes for the mayor of the municipality, with the hope of identifying the most determining factors for citizens to vote for their preferred candidate for mayor of the municipality.

The significant participation at the municipality's public meetings with the citizens, which it is obliged to organize twice a year, is the best indicator of the recent political emancipation of the electorate at the local level. Every municipality "frequently hosts, at least twice a year, public meetings in which any person or group with interest in the municipality may participate", as stated in Article 68, point 1, of the Law on Local Self-Government. At least two weeks before the meeting, the time and location are announced. One of the meetings is held during the first half of the year; this is one of the instruments for direct local public participation in democracy. The recent political emancipation of the electorate can also be argued for by the fact that in the last early national elections on 14 February 2021, the number of participants in these elections was considerably high; there were 903,379 voters, or 48.78% of participation (Central Election Commission 2021).

Kosovo uses a two-round majority system for local elections. According to well-known Albanian authors Omari and Anastasia (2010), this system allows voters to express their preference for a candidate in the first round even though their vote might not be "useful" because this candidate would not have a chance to win.

The different parties are not grouped until the second round. Once a voter's choice withdraws, they may choose another candidate they believe to be superior to the others still running. The majority system is considered more effective because it produces a more dependable political majority, a local government majority (Omari and Anastasia 2010, 274).

We aim to contribute to this literature by studying the case of the recent local elections in Kosovo. So, what explains the big change in voter behavior in Kosovo between the last parliamentary and local elections?



Studies that have attempted to address this issue have concluded that various sociological, psychological, and economic factors influence voter behavior in Kosovo. If our analysis is based on a study conducted in Kosovo about voter behavior from the post-war era until now (Sejdiu and Haliti 2017), three factors - or, more precisely, three changes - are highlighted as the most significant in Kosovar voters' behavior. First, the psychological component was important for an ideology party because it influenced how voters for an independent Kosovo acted immediately after the Kosovo War. As a result of the lack of a political culture, the voter's behavior has made it possible for political parties not to offer something concrete for the economy, security, education, infrastructure, energy, and other important areas. Then, in addition to this, there was the economic factor in voter behavior, where, as a result of poverty, clientelism, a system of patronage, corruption, lawlessness, etc., Kosovars voted for political parties that had fought for the country and were working for the declaration of independence.

Voting was perceived as an expression of loyalty for those who had participated in the war. The second type of voting behavior was rational, in which voters supported themselves or a particular party through lobbying to receive material or intangible rewards, such as employment or access to government contracts. Members of the family or party would then be proposed to various state-owned corporations and public institutions by the ruling party. Many organizations in Kosovo, particularly state firms that already had monopolies, were characterized by a sizable, ineffective, and clientelistic bureaucracy due to this patronage system (Sejdiu and Haliti 2017).

According to Qorri (2018), in a study conducted in Kosovo on the psychological aspects of voter behavior, the results are consistent with the idea that rational and irrational variables fight with one another when people make their voting decisions. In general, irrational factors will gain precedence, with logic playing a supporting role. The results of this study indicate that family, ideology, social identity, gender bias, and emotions significantly impact voting behavior.

Another study on "Albanian Political Culture in Transition: Does it Help or Hinder the Consolidation of Democracy?" was carried out in Albania. According to Bedini (2010, 7), political culture will not aid in consolidating democracy if people feel alienated by politics and let down by the political process and governance in general. The democratization process will have challenges once more if society and politics do not have a relationship built on mutual trust.

Peshkopia and Mustafa (2022) conclude that this significant shift in voter behavior or the significant decline in votes for the party that won the most votes in the central elections - in this case, the *Vetëvendosje* Movement - came as a result of many factors, including the total lack of qualified candidates for mayor, the effects of the Covid-19 pandemic, and the lack of good or limited success in local governance.

## METHODOLOGY

### Research Design

For this study, the quantitative method was used. The core value of this methodology is that it incorporates quantitative techniques for data collection, analysis, interpretation, and writing up study findings (Creswell and Creswell 2018, 33). The quantitative method has made it

easier to gather information to determine if Kosovo's most recent local elections may be deemed first-order elections. The questionnaire, a self-reporting tool, serves as the measurement instrument. The requests are formed of statements, and the answers are often provided on a Likert scale. The requests are divided into demographic questions and related categories to assess each variable. The research's selection design is cross-sectional, meaning that data is only gathered once throughout a given period. Secondary quantitative data from the Central Electoral Commission was also used in addition to the primary data to determine if the local elections provided evidence to be considered a first-order election.

## Sample

Non-probability random sampling was used for this study. The intended audience was citizens over 18 years old in the Republic of Kosovo. The main condition for being part of the sample was that they had the right to vote. The total number of participants was (N=596), with N=(266) belonging to the female gender and N=(328) belonging to the male gender.

## Measuring Instruments

In order to identify whether the last local elections in Kosovo indicate that they should be considered the first-order election, a structured questionnaire was used based on a review of the literature and data from the Central Electoral Commission. This questionnaire has answers divided on a Likert scale, which are presented in the form of statements from 1 (strongly disagree), 2 (disagree), 3 (neutral), 4 (agree), and 5 (strongly agree).

The Cronbach's Alpha value was examined to evaluate the questionnaire's internal consistency in measuring voting decisions. According to Table 1, Cronbach's Alpha value for the questionnaire statements measuring the factors influencing a voter's vote choice is mean and acceptable ( $\alpha=.620$ ).

**Table 1: Cronbach's Alpha Coefficient Reliability of the Individual Questionnaire for Assessing the Choice to Vote in the Most Recent Local Elections (Source: Authors' research)**

| Variable         | N   | Statements | Cronbach's Alpha |
|------------------|-----|------------|------------------|
| Decision to vote | 596 | 8          | .620             |

## Procedure

This research has continued its application in practice following a literature review, the emergence of hypotheses, and the formulation of research questions. Various citizen forums were employed through social networks to distribute the questionnaires online using Google Forms. This technique made it possible to include people of all ages and most of Kosovo's towns, including urban and rural ones. Since the research was conducted this way, no official approval was required; only the study's purpose was made clear on the first page of the questionnaire, after which the citizens were given detailed instructions on how to complete the

forms, and their successful completion was tracked. The respondent's involvement in this study was entirely voluntary. It took several days to distribute the questionnaire. The research's ethical norms, such as ethical communication, complete anonymity, transparent explanations, etc., were always upheld when collecting data. For the analysis of quantitative data, SPSS was employed.

## Data Analysis

After collecting the data, it was arranged and analyzed through the Statistical Package for Social Sciences (SPSS). Initially, the data from the CEC and descriptive data such as minimum, maximum, mean, and standard deviation were analyzed. Then, a variable was created for the perception of citizens with the right to vote concerning their decision to vote in the most recent local elections, as well as a variable for the citizens' perception of the deviation of voting from the parliamentary elections. Comparative and descriptive analysis were used based on the main purpose and nature of the study, which is comparative, to understand if the last local elections in Kosovo indicate being considered a first-order election. Furthermore, based on the other goal that has to do with finding gender differences in the perception of vote deviation from national elections, the t-test was used; meanwhile, to find the differences regarding age, education, region, and location with vote deviation from parliamentary elections, the ANOVA test was used.

## RESULTS

### Participation and Election Results According to the CEC

First, voting patterns and election outcomes from 2000 to 2021 are examined to determine whether Kosovo's most recent municipal elections should be considered first-order. Election participation rates are seen as a crucial measure of the high level of political commitment among voters and, consequently, of the character of second-order elections. Despite the laws granting people the ability to exercise their right to vote, some voters choose not to vote. The "order" of the various elections can therefore be determined by comparing the participation rates in elections at the various levels of government.

The decision of those with voting rights to participate in the most recent local elections is then evaluated by descriptive analysis of each statement from the questionnaire. Finally, we investigate the factors that influence voting divergence in parliamentary elections, including the influence of socio-demographic control variables such as gender, age, education, region, and location (rural vs. urban). The analysis of the percentage of participation and election results is presented in Table 2.

**Table 2: Analysis of the Percentage of Participation and Election Results 2000-2021**  
(Source: Peshkopia and Mustafa 2022)

| Year | Type of Election   | Participation | LDK   | PDK   | AAK  | LVV |
|------|--------------------|---------------|-------|-------|------|-----|
| 2000 | Municipal Assembly | 79.09%        | 58.0% | 27.3% | 7.7% | -   |
| 2001 | Parliament         | 64.3%         | 45.6% | 25.7% | 7.8% | -   |
| 2002 | Municipal Assembly | 53.8%         | 45.8% | 29.5% | 8.8% | -   |
| 2004 | Parliament         | 53.5%         | 45.4% | 28.8% | 8.3% | -   |

|      |                    |       |       |       |       |       |
|------|--------------------|-------|-------|-------|-------|-------|
| 2007 | Municipal Assembly | 39.4% | 22.2% | 39.3% | 12.1% | -     |
| 2007 | Mayors             | 39.1% | 7     | 18    | 3     | -     |
| 2007 | Parliament         | 40.1% | 22.6% | 34.3% | 9.6%  | -     |
| 2009 | Municipal Assembly | 44.7% | 24.5% | 31.7% | 15.9% | -     |
| 2009 | Mayors             | 44.6% | 7     | 15    | 7     | -     |
| 2010 | Parliament         | 45.3% | 24.7% | 32.1% | 11.0% | 12.7% |
| 2013 | Municipal Assembly | 46.3% | 25.6% | 27.1% | 14.0% | 8.2%  |
| 2013 | Mayors             | 46.3% | 9     | 10    | 3     | 1     |
| 2014 | Parliament         | 42.6% | 25.2% | 30.3% | 9.5%  | 13.6% |
| 2017 | Parliament         | 41.3% | 25.5% | 33.7% |       | 27.5% |
| 2017 | Municipal Assembly | 44.1% | 24.0% | 22.1% | 13.3% | 15.7% |
| 2017 | Mayors             | 44.1% | 8     | 5     | 7     | 3     |
| 2019 | Parliament         | 44.5% | 24.5% | 21.2% | 11.5% | 26.3% |
| 2021 | Parliament         | 48.8% | 12.7% | 17.0% | 7.1%  | 50.2% |
| 2021 | Municipal Assembly | 41.6% | 22.9% | 21.8% | 12.2% | 22.7% |
| 2021 | Mayors             | 41.6% | 8     | 8     | 5     | 4     |

Table 2 shows the evolution of the percentages of participation in local and parliamentary elections in Kosovo from 2000 to 2021. From what can be seen, the percentages of participation at the local level are almost the same as in the parliamentary elections. After the election results, the percentages of results between the parliamentary and local elections of the political parties do not differ much, except that big differences are observed between the last local and parliamentary elections, even after only 6 months.

In summary, regarding participation in local elections in Kosovo, they do not align with the concept of second-order elections. In contrast to previous research conducted in other countries, where local elections are classified as second-order, Kosovo does not indicate that the local level holds such a position. Therefore, the question arises as to whether the same conclusion can be reached when another defining characteristic of second-order elections, namely vote choice and motives, is investigated - first, the extent to which voters considered local-specific factors is analyzed.

### **Voting Motives as Perceived by Citizens with the Right to Vote**

The questionnaire for evaluating the perception of voting motives perceived by citizens with the right to vote consists of seven statements. In this section of the questionnaire, a specific question has been created about the deviation of the vote from the preferences of the parliamentary elections.

Table 3 in this paper provides a descriptive analysis of the minimum, maximum, mean, and standard deviation associated with the questionnaire's statements on the reasons for voting as perceived by citizens entitled to vote.

Also, this table provides a descriptive analysis of each statement of the questionnaire used to assess citizens with the right to vote's decision to vote in the most recent local elections. There are seven statements in total. The minimum of all responses to the statements is 1, and the maximum of all statements is 5.

**Table 3: Descriptive Analysis of the Statements in the Citizens' Questionnaire (Source: Authors' research)**

| Statements   | N   | Minimum | Maximum | Mean | Standard Deviation |
|--|-----|---------|---------|------|--------------------|
| In the last local elections, I voted for the candidate for mayor because of his governing program.                                     | 596 | 1       | 5       | 3.86 | 1.331              |
| In the last local elections, I voted for the candidate for mayor because of his political party.                                       | 596 | 1       | 5       | 2.80 | 1.603              |
| In the last local elections, I voted for the candidate for mayor because of his personality (an outstanding, charismatic personality). | 596 | 1       | 5       | 3.64 | 1.425              |
| I voted for the mayor candidate in the last local elections because of my close family ties with him.                                  | 596 | 1       | 5       | 1.57 | 1.101              |
| In the last local elections, I decided to vote to punish the ruling party.   | 596 | 1       | 5       | 2.62 | 1.669              |
| In the last local election, I decided to vote purely out of preference for the political party.  | 596 | 1       | 5       | 2.89 | 1.641              |
| In the last local elections, I voted to support the best candidate.  | 596 | 1       | 5       | 4.20 | 1.262              |
| In a recent local election, did you vote for the same party as in the last national election?  | 596 | 1       | 2       | 1.69 | .464               |

For the statement, "In the last local elections, I voted for the candidate for mayor because of his governing program", the mean is  $M=3.86$ , and the standard deviation is  $DS=1.331$ . For the statement, "In the last local elections, I voted for the candidate for mayor because of his political party", the mean is  $M=2.80$ , and the standard deviation is  $DS=1.603$ . The mean and standard deviation of "In the last local elections, I voted for the candidate for mayor because of his personality (an outstanding, charismatic personality)" are  $M=3.05$  and  $DS=.777$ , respectively.

For the statement, "In the last local elections, I decided to vote to punish the ruling party", the mean is  $M=2.62$ , and the standard deviation is  $DS=1.669$ . For the statement, "In the last local election, I decided to vote purely out of preference for the political party", the mean is  $M=2.89$ , and the standard deviation is  $DS=1.641$ . The mean is  $M=1.69$ , and the standard deviation is  $DS=.464$  for the statement, "Did you vote for the same party as in the last national election?".

The statement with the highest average is "In the last local elections, I decided to vote, simply to support the best candidate", with the value  $M=4.20$  and standard deviation  $DS=1.262$ . Whereas the statement with the lowest mean, "In the last local elections, I voted for the candidate for mayor because of the close family ties I have with him", with the value  $M=1.57$  and standard deviation  $DS=1.101$ .

Table 2 shows the frequency with which various vote-choice categories were stated. The local environment undoubtedly influenced the decisions made by voters in October 2021. The three most often cited considerations for casting a vote were "the political party", "the identification of a candidate on a certain list", and "the personality and program of the government". When asked explicitly about the motives of voting, voters clearly emphasize the motives of local voting. Preferences for the party, to punish the ruling party, or for family,

reasons are less common. This pattern of responses shows that voters take the local level seriously and claim that local considerations determine their voting behavior.

### Analysis of Deviant Voting Behavior

Data was analyzed through the Statistical Program for the Social Sciences (SPSS). A t-test analysis was used to analyze the gender differences regarding the vote deviation from the parliamentary elections' preferences.

**Table 4: Group Statistics Regarding the Deviation of the Vote from the Preferences of the Parliamentary Elections (Source: Authors' research)**

| Please select your gender |        | N   | Mean | SD   | SD with mean error |
|---------------------------|--------|-----|------|------|--------------------|
| Vote Deviation            | Male   | 328 | 1.69 | .465 | .026               |
|                           | Female | 266 | 1.69 | .463 | .028               |

**Table 5: T-Test Analysis for Gender Differences Regarding the Deviation from the Preferences of the Parliamentary Elections (Source: Authors' research)**

|                |                             | Levene's Test for Equality of Variances |      | T-Test for Equality of Means |         |                 |                 |                       |   |       |
|----------------|-----------------------------|---|------|------------------------------|---------|-----------------|-----------------|-----------------------|---|-------|
|                |                             | F                                       | Sig. | t                            | Df      | Sig. (2-tailed) | Mean Difference | Std. Error Difference | 95% Confidence Interval of the Difference |       |
|                |                             |   |      |                              |         |                 |                 |                       | Lower                                     | Upper |
| Vote Deviation | Equal variances assumed     | .091                                    | .763 | -.150                        | 592     | .881            | -.006           | .09378                | -.038                                     | .069  |
|                | Equal variances not assumed |   |      | -.150                        | 567.996 | .880            | -.006           | .09212                | -.038                                     | .069  |

The t-test study of the gender differences related to the deviation of the vote from the preferences of the parliamentary elections is shown in the table above. According to the results, the group of men (N=328) had a mean of M=1.69 (DS=.465) in the answers to questions about the deviation of the vote, as opposed to the group of women, who had a smaller number of responses to questions about the deviation of the vote from the preferences of the parliamentary elections, M=1.69 (DS=.463). According to the findings, t=-.150 and p.880 values indicate that the differences are invalid (Table 5).

**Table 6: ANOVA Analysis for the Differences of Age, Region, Location, and Education Regarding the Deviation of the Vote from the Preferences of the Parliamentary Elections (Source: Authors' research)**

| ANOVA     |                |          |     |             |       |      |
|-----------|----------------|----------|-----|-------------|-------|------|
| Sum of    |                | Squares  | df  | Mean Square | F     | Sig. |
| Age       | Between Groups | .183     | 1   | .183        | .150  | .698 |
|           | Within Groups  | 721.742  | 594 | 1.215       |       |      |
|           | Total          | 721.924  | 595 |             |       |      |
| Region    | Between Groups | 6.188    | 1   | 6.188       | 1.288 | .257 |
|           | Within Groups  | 2724.132 | 567 | 4.804       |       |      |
|           | Total          | 2730.320 | 568 |             |       |      |
| Location  | Between Groups | 1.061    | 1   | 1.061       | 4.313 | .038 |
|           | Within Groups  | 145.100  | 590 | .246        |       |      |
|           | Total          | 146.160  | 591 |             |       |      |
| Education | Between Groups | 3.165    | 1   | 3.165       | 1.951 | .163 |
|           | Within Groups  | 963.578  | 594 | 1.622       |       |      |
|           | Total          | 966.743  | 595 |             |       |      |

In Table 6, the significance analysis for age yields a value of .698; for the region, it yields a value of .257, and for education, it yields a value of .163. These values indicate no significant difference in terms of deviation from the preferences of the parliamentary elections. Meanwhile, if we examine the significance of the location (urban or rural) where the value .038 is found, we can conclude that there is a significant difference in the deviation of the vote from the preferences of the parliamentary elections.

## DISCUSSION

The objective was to determine whether Kosovo's most recent local elections yielded evidence to support their classification as first-order elections. As a result, an investigation was conducted into the voter turnout rates and election results from 2000 to 2021 (Table 2). A descriptive analysis was employed to evaluate the perception of eligible voters regarding their decision to participate in the most recent local elections and the variations in their voting choices compared to the preferences observed in the parliamentary elections.

These variables were considered to assess whether Kosovo's most recent municipal elections present evidence supporting their classification as first-order elections. Initially, an analysis was conducted on the voter turnout rates from 2000 to 2021, encompassing local and parliamentary elections (Table 2). This is because when discussing whether to view elections as first- or second-order, Lijphart (1997), Nachmias et al. (2012), and Freire (2004) relate it to the proportion of voters who participate in the elections. If we look at Table 1, we cannot see any big difference between the local and parliamentary elections in terms of the percentage of participation in the last local elections, even among the earlier ones, which suggests that they are not seen as second-order elections.



These findings conflicted with Reif et al. (1997), who believed that “first-order” elections allowed voters to decide who should lead the country. General elections in parliamentary systems, such as that of the UK, fall within this category. Second-order elections commonly exhibit various characteristics, including lower voter turnout, as fewer individuals are motivated to vote due to the perception of lower stakes involved. Immediate attention is anticipated toward elections that ascertain the composition of parliaments and the selection of the country's leader. Consequently, it can be inferred that national elections hold a position of utmost significance as first-order elections, relegating all choices at lower geographic levels to the status of second-order elections. As a result, these lower-level choices have garnered considerably less scholarly attention (Reif and Schmitt 1980).

The influence of national and party policies on voter behavior was analyzed. Scholars such as Lijphart (1997), Nachmias et al. (2012), and Freire (2004), when discussing second-order elections, associate them with reduced importance due to the ongoing impact of national party policies. These elections determine the outcome for smaller offices, such as regional, municipal, and local officials. Consequently, the outcome of second-order elections is strongly connected to the popularity of national parties within a given country rather than being influenced by specific issues, individual candidates, or particular events in second-order election campaigns.

For most voters and political parties, the most significant are elections that result in national governments (Schakel and Jeffery 2013). In contrast, local elections are second-order because their participation more strongly influences voters' preferences in national elections than local-level motivations. In other words, it is posited that voter behavior in local elections, similar to other second-order domains, is influenced by factors originating from first-order domains. Peshkopia and Mustafa (2022) conclude that this significant shift in voter behavior or the significant decline in votes for the party that won the most votes in the central elections - in this case, the *Vetëvendosje* Movement - came as a result of many factors, including the total lack of qualified candidates for mayor, the effects of the Covid-19 pandemic, and the lack of good or limited success in local governance.

Contrary to expectations, the findings of this study indicate that the observed deviation of voters in local elections (as shown in Table 3) was not attributable to the influence of national and party policies. Instead, it can be attributed to the citizens' capacity to adopt a new voting approach, where candidate selection is based on platforms and personalities rather than being influenced by central policies or party influence. Regarding the reasons given by the 596 survey participants for voting for their preferred mayor, the response “In the last local elections, I chose to vote merely to support the best candidate” received a value of  $M=4.20$  and a standard deviation of  $DS=1.262$ . In contrast, the claim with the lowest mean, “In the last local elections, I voted for the candidate for mayor due to the close relationship I had with him”, had a value of  $M=1.57$  and a standard deviation of  $DS=1.101$ . This implies increased voter awareness and a shift from most researchers' second-order views of local elections to a first-order view. These findings align with research conducted by Gendwi et al. (2022), which suggests that voters are more inclined to alter their vote choices, as seen in European elections, and engage in expressive voting, such as supporting minor or new parties. This behavior is often driven by the intention to penalize or commend national government officials.

There is also a difference from the time after the war in Kosovo, where, according to Sejdiu and Hamiti, the voter's behavior has been irrational, influenced by psychological, economic, and social factors, and Kosovars voted for the political parties that had fought for the country and were working for the declaration of independence; in other words, the vote was translated into a sign of loyalty for those who fought in the war. Our findings align with the research conducted by Marien et al. (2015), who classify local elections as first-order elections. Their study emphasizes that voters are primarily driven by local preferences rather than national and ideological considerations. Various factors, including personality, experience, network, and personal connections, such as familial closeness to a candidate, strongly influence the voter's voting choice.

According to various studies, voters' choices of candidates are influenced by many factors rather than just one. Miller and Wattenberg (1985) assert that voters can be categorized by applying a two-dimensional retrospective/prospective politics/performance coding method to their verbal evaluations of candidates. Additionally, these two methodologies demonstrate that Carter's ratings mostly reflected concern about his past performance, whereas Reagan's evaluations concentrated on predicted candidate performance and future policy measures.

According to an exit poll conducted by RTV Dukagjini in 2021, 74.5% of respondents indicated that they decided to vote before the election campaign. This suggests that voters' decisions are more influenced by their past voting preferences for candidates than by their future preferences. However, our data support a plausible perspective that individuals increasingly rely on government initiatives. This observation is connected to Reagan's assessments, which emphasized the anticipated performance of candidates and future policy measures (Miller and Wattenberg 1985).

Regarding the gender differences in the deviation of the vote from the preferences of the parliamentary elections, it can be seen that the group of men ( $N=328$ ) had a mean of  $M=1.69$  ( $DS=.465$ ) in the answers to the deviation of the vote, as opposed to the group of women, who have a lower number in the answers to the deviation of the vote from the preferences of the parliamentary elections,  $M=1.69$  ( $DS=.463$ ). According to the findings,  $t=-.150$  and  $p=.880$  values indicate that the differences are invalid (Table 5). In conclusion, we can state that there are no statistically significant variations in the vote's divergence from preferences in the parliamentary elections between men and women.

Then the significance (Table 6) of age shows a value of .698, the region shows a value of .257, and education shows a value of .163, which does not show any significant difference regarding the deviation from the preferences of the parliamentary elections. These results corroborate the findings of Marien et al. (2015) on the effect of socio-demographic control variables, gender, age, and region of residence, where the results have not shown significant effects of gender, age, or region on deviant voting behavior.

In the meantime, drawing from the analysis of the significance of the location factor (urban or rural) with a value of .038, we can deduce that a noteworthy disparity exists in the vote deviation from the preferences observed in parliamentary elections. This suggests that individuals residing in urban areas distinctly cast their votes compared to those in rural areas.

## CONCLUSION

Numerous studies on first- and second-order elections have been conducted in many other countries, but we have been unable to find any such study in our country. This study assists in determining whether there are any indications that the most recent local elections in Kosovo should be regarded as the first-order election.

The statistical analysis enables us to conclude that there are indications that the local elections in Kosovo are first-order elections. The first indication that municipal elections are regarded as first-order elections is the lack of notable differences in voter turnout between the national and local levels. The fact that the winning party only managed to win 22.7% of the vote, or 4 municipalities, in the local elections despite receiving more than 50.2% of the vote in the parliamentary elections is the second indication that the results of the central elections have no bearing on the results of the local ones.

According to the findings of the t-test analysis, no significant gender differences were found among the study participants  $p < .880$  regarding the gender differences in the deviation of the vote from the preferences of the parliamentary elections. Consequently, only the location with a value of .038 has a significant statistical difference when it comes to age, region, education, and location concerning the deviation of the vote, suggesting that there are differences between villages and cities in terms of the deviation of the vote from parliamentary election preferences.

The findings presented provide indications that the recent local elections in Kosovo can be regarded as first-order elections. Furthermore, these findings substantiate the earlier hypothesis, suggesting that voters considering local voting motives are more inclined to diverge from their preferences in parliamentary elections. As a result of this study, several practical and scientific recommendations for future research have been addressed, which are elaborated upon below.

## Recommendations

Researchers should look into whether voters of a specific political party are more likely to deviate from their national party in the future than voters who have never voted for a political party. Additionally, it is recommended to determine whether there is a notable difference between voters whose party participated in the municipal elections as a political party and voters whose party participated in the elections independently about their likelihood of departing from the national party.

It is urged that future researchers look into whether voters who stick to their preferences in a national election can increase the likelihood that a local pre-election coalition will impact their divergence from their core vote.

## Limitations

Like many other studies, this study also has certain limitations. One of the limitations pertains to the participation rate, which could have been higher. With increased number of

participants, the sample size would have been larger, resulting in a more representative sample. Another limitation is the approach employed. While the self-report method has its advantages, it is not without drawbacks, such as the potential for participants to not answer honestly or misinterpret the questions, among others. Additionally, the statistical methodology employed to assess hypotheses has its limitation. The t-test and ANOVA techniques only reveal statistical differences and do not establish connections or cause-and-effect relationships.

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### **Statement of Human Rights:**

This article does not contain any studies with human participants performed by any authors.

### **Statement on the Welfare of Animals:**

This article does not contain any studies with animals performed by any authors.

### **Informed Consent:**

Informed consent was obtained from all individual participants included in the study.

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## Corrigendum to “UNDERSTANDING VOTER BEHAVIOR AND ELECTION DYNAMICS: A CASE STUDY OF THE 2021 LOCAL ELECTIONS IN KOSOVO”

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The authors removed the two parts below from the initially published article on 10.07.2023. They stated that removing those paragraphs does not impact the article's overall content.

### I

Elections serve as a true reflection of the political culture of the electorate, involving a significant number of citizens from the election campaign to the final act of voting. Throughout the election campaign, citizens actively engage and express their views not only in their workplaces but also within their family environments. Discussions focus on the candidate, the political elites, the values they can represent (including the governing program and their political positions on current political circumstances), and how political parties present themselves during the election campaign. A good citizen “is not a good man, but a citizen who takes responsibility as a subject of the state in making and enforcing laws” (Almond and Verba 1989, 120).

### II

According to the current electoral system, each municipality is a single electoral district. The municipality's mayor is elected directly by the vote of the citizens if he receives more than 50% plus one vote of the total number of valid votes counted in the municipality. According to the Law on Local Elections in Kosovo, Article 7, point 5, “the vote cast for the political entity is considered a vote for the first candidate on the list of candidates of the political entity”. The CEC ensures that the ballot paper does not allow the voter to vote simultaneously for the political entity and the first candidate on the list of candidates for this political entity. This is a testimony or proof of the people directly electing the mayor. If no candidate for mayor receives more than 50% plus one vote, a second round of elections is held four weeks after the first round, between the two candidates who received the most votes according to the counted votes and the candidate who receives the majority of votes in this round is elected mayor (Law on Local Election in the Republic of Kosovo 2008). This current electoral system in Kosovo is typical of the majoritarian system of elections, where the candidate who wins the majority of votes (50%+1) gets the mandate to lead, and according to this system, the power gained in local elections is focused on the mayor. This method of directly electing the municipality's mayor by the citizens benefits municipalities with fewer inhabitants and municipalities dominated by ethnicities other than the majority in Kosovo. From this aspect, the Serbian minority, where they live as a majority in the municipalities of Kosovo, are elected mayors and are often destructive in their relations with the central government and politically directed by Belgrade, according to the media and the daily press in Kosovo.

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# LEGAL REGULATION OF INTERNAL PARTY DEMOCRACY IN NIGERIA

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**Abstract:** *The lack of internal democracy in many political parties in Nigeria has created a general loss of confidence in voters toward the electoral process and democratic consolidation. This paper examines the extent to which political parties have adhered to or deviated from the relevant Constitutional and electoral law provisions in Nigeria toward achieving internal democracy and how this has affected voters' attitudes and confidence in the electoral process and Nigerian democracy generally. To achieve this objective, the researchers utilize the doctrinal research method in examining the relevant provisions of the 1999 Constitution on internal party democracy, the relevant Electoral laws, and judicial decisions. During the work, it is observed that political party leadership in Nigeria rarely heed the relevant constitutional provisions and laws on internal party affairs. The paper finds that judicial decisions concerning this issue have not followed a similar pattern, which has greatly eroded voters' confidence. It recommended a compelling need for the judiciary to follow legally valid precedents established in earlier judgments in deciding new cases arising from intra-party affairs, especially concerning the substitution of candidates.*

**Keywords:** *Democracy; Political Parties; Electoral Act; Internal Party Democracy; Judicial Decisions*

## INTRODUCTION

In every democratic society, one inalienable right of the citizens is to elect leaders and elected representatives through an organized voting system (Odigwe 2015). The right to elect leaders and representatives could be traced to ancient Athens and Rome, where public figures like the Pope and the Holy Roman Emperors were elected (Muhlberger and Paine 1993). In modern times, elections and voting are tied to the emergence and acceptance of democracy and representative government in developed countries such as the United States and Europe. Modern-day democracy accords citizens, also known as the electorates, the power to elect their representatives through a recognized electoral process handled by a constituted, recognized, and independent electoral umpire (Gamble-Eddington 2021). Electing a representative is initiated in political parties, which provides an opportunity to produce recognized party flag bearers who usually become representatives not only of the political parties who elected them but also of the masses. The role of internal party democracy is tied to transparency, credibility, and fairness in selecting party representatives to ensure that the best among party members are selected.

Consequently, representatives emerge whose role is to reflect the people's will. The process and procedures governing party affairs in advancing democracy are typically enshrined

in Constitutions, other bodies of law, and policy directives. These laws establish the rights and obligations of party members, particularly regarding selecting party representatives and candidates. Suppose a party member feels aggrieved by the conduct or outcome of the representative selection process. In that case, they can seek recourse through the competent court system to address their grievances. The courts possess the authority to interpret laws, ascertain legal rights, and determine instances of their violation. The approach taken by the courts in discharging this crucial duty and interpreting the conduct of party members in internal party affairs can greatly impact the confidence of the majority of party members and voters in the electoral process. A lack of confidence in the voting process contributes to voter apathy, resulting in low voter turnout, ultimately hampers the growth and consolidation of democracy as a whole.

### THE CONCEPT OF DEMOCRACY

A fundamental characteristic of every human society is the presence of an organized system of public relations, commonly referred to as government. Among the various forms of government documented throughout human history, democracy stands out as the most prominent (Shuifa and Jinglei, 2008). Nigeria is one of the countries that has established its governmental structure on the foundation of democracy. The 1999 Constitution prescribes democracy and a democratic manner of governing the country in Section 14, which states that the Federal Republic of Nigeria shall be a state founded on the principles of democracy and social justice. The term "democracy" is frequently used by many individuals, although only a few truly understand its meaning. The widespread use of the term can be attributed to the fact that democracy has proven to be the only form of government that allows for the broad participation of the public in matters concerning governance and related affairs (Eruke 2012). Accordingly, Eruke (2012) posited that democracy accords citizens with a wide range of participation in governance by giving them the right and power to make the all-important choice of who governs them and who decides their affairs. Like some other important social concepts, democracy appears impossible to be subjected to one generally accepted definition; as such, it is believed that the concept can best be described than defined (Mulgan 1968).

Abraham Lincoln, a former President of the United States, attempted to define the concept of democracy. He described democracy as a government of the people, by the people, and for the people. The essence of this definition lies in the fact that "the people" - the citizens - possess the right to actively participate in selecting their leaders. This, in turn, grants citizens the right to have optimal involvement in decision-making processes related to governance. It is believed that representatives, who act as mere placeholders, cannot make decisions without considering the adverse or otherwise impact those decisions will have on those they represent (Gamble-Eddington 2021). Thus, democracy can be viewed as a system of government where the popular will of the people prevails through proper representation, ensured through periodic free and fair elections. However, in contemporary "democratic" societies, this notion of democracy is criticized due to the disconnect between citizens and their representatives, with a lack of meaningful connection, and citizens struggling in vain to establish or maintain contact with their representatives (Neuman 2002). The perceived characteristic features of democracy

deducible from the above description include (Uhwe et al. 2021), separation of powers (Kangdim et al. 2022), others include the guarantee of human rights (Payandeh 2019), the prevalence of the rule of law and supremacy of the Constitution (Glendon 2004); freedom of the press; periodic election conducted by an independent umpire (Yagboyaju 2015), independence of the judiciary (Ononye, Oguekwe, and Oguekwe 2020), political liberty and multi-party system (Stokes 1999). According to Stokes (1999), in a democratic system of government, important government decisions are taken by representatives elected through free, fair, competitive, and periodic elections participated in by adult citizens through a political party system.

## **THE RELATIONSHIP BETWEEN DEMOCRACY AND POLITICAL PARTIES IN NIGERIA**

Nigeria became a democratic nation upon gaining independence from Great Britain on 1 October 1960. However, if we define the existence of democracy based on its characteristics, such as a voting system, the presence of a constitution, and recognition of human rights, it could be argued that Nigerian democracy existed even before 1960 (Yagboyaju 2015).

The primary Constitution of Nigeria came into effect in 1922, marking a significant milestone. The first formal general election took place in 1923, signifying the beginning of a voting system. The recognition and exercise of human rights, exemplified by events like the Aba Women's Riot in 1929, further contributed to the development of democracy. Political and interest groups, such as the Nigerian Youth Movement formed in 1934, shaped the democratic landscape. The general election of 1959 witnessed the participation of political parties such as the Northern People's Congress and the National Council of Nigeria and Cameroons (NCNC), among others. These occurrences demonstrate that certain democratic features were prevalent in Nigeria before 1960 (Yagboyaju 2015). Elections play a crucial role in a democratic government as they enable the electorate and citizens to have and maintain a certain level of control over their representatives (Mahmud 2015). Madubuegwu et al. (2020) describe elections as an influence exchange between rulers and the ruled, where voters influence the government through their decisions. Upon gaining independence in 1960, Nigerian democracy assumed a formal status with a Constitution designed after Great Britain's government style. So far, general elections have been conducted and held in Nigeria in 1964, 1979, 1983, 1993, 1999, 2003, 2007, 2011, 2019, and 2023 already ongoing. The procedure and conduct of elections between 1964 and 1993 witnessed a disjointed procedure characterized by a series of military interference and coups (Madubuegwu et al. 2020). For instance, Madubuegwu et al. (2020) stated the incident of 12 June 1993, where the alleged winner, Moshood Abiola, was denied access to the election victory. However, they were instead incarcerated by the then-military head of state, General Sanni Abacha. However, elections in Nigeria from 1999 to 2019 have witnessed a certain degree of regularity devoid of military interruptions.

Despite this supposed regularity in election activities in Nigeria between 1999 and 2019, voters' turnout has decreased. In other words, voters in all parts of Nigeria have exhibited some form of withdrawal, apathy, and indifference toward participating in elections (Madubuegwu et al. 2020). Voting as a right and civic responsibility is usually influenced by the need, interest, and zeal to participate in the democratic process and governance affairs. However, where the required zeal or interest is lacking, participation in the democratic election process reduces, and

voter apathy sets in (Obomanu 2020). Voter apathy occurs when eligible voters do not vote in public elections due to certain reasons and circumstances. Chief among the reasons for voters' apathy in Nigeria is a general complaint over the recycling of the same candidates by political parties due to a lack of internal democracy in political parties and a feeling of marginalization among party members (Obomanu 2020). In this paper, the effort will be concentrated on the effect of the lack of internal party democracy on voters' confidence and the judiciary's attitude towards pre and post-election petitions in Nigeria.

### **INTERNAL PARTY DEMOCRACY AND VOTERS' CONFIDENCE IN NIGERIAN**

Political parties are makers of democracy as they serve as a medium from where the people select and elect their representatives. It has been opined that there may be no democracy or democratic societies without political parties; in other words, political parties and their positive activities consolidate democracy (Akubo and Yakubu 2014). Internal party democracy entails free and fair dealings and conduct of party affairs so that all members are given equal participation rights at all times in all party activities, such as the nomination of candidates and the conduct of party primaries, among others. Internal party democracy ensures a system of distribution and separation of powers within political parties so that all members, or the majority of members, are carried along. The concentration of party powers in the hands of a few party members breeds power abuse and corruption and a lack of confidence among party members (Godwin 2016). Lack of internal party democracy is a prevalent feature in most political parties in Nigeria, usually caused by ethnic considerations, placing personal interests above party interests, and corruption among party leaders and members generally (Odigwe 2015). The lack of internal democracy in political parties erodes party members' confidence in party affairs. It also weakens democracy, especially when a ruling party is affected, whether at the federal or state level.

### **THE ROLE OF LAW IN ENSURING INTERNAL DEMOCRACY IN NIGERIAN POLITICAL PARTIES**

Party affairs in Nigeria are controlled by the Constitution of the Federal Republic of Nigeria (CFRN 1999) and the respective constitutions of the various political parties. The Constitution stipulates that the constitution and rules of political parties shall provide for periodic elections on a democratic basis for the principal officers and members of the executive committee or other governing bodies. Under section 223 of the Constitution (CFRN 1999), political parties are also to ensure that members of the executive committee or other governing bodies of the party reflect the federal character of Nigeria. The present reality in most political parties in Nigeria reflects a clear derogation or contradiction of this constitutional position. For instance, the internal squabble in the major opposition Peoples Democratic Party (PDP) in Nigeria today is a cumulative effect of what could be best described as a history of lack of internal democracy in the party (Ajayi 2016).

Another area where a lack of internal party democracy in political parties in Nigeria is seen is in the conduct of party primaries. For instance, the Independent National Electoral

Commission Regulation for conducting 2018 elections stipulates that before any political party can validly conduct a primary election, the party concerned should not later than 21 days before the date for conducting the election, inform or notify the Commission in writing, stating the nature and type of the primaries it intends to conduct, that is, whether direct or indirect primaries, the date, place and time the primaries are to be conducted as well as the name of the aspirants and members of the panel, party members among others (Saka, Adebisi, and Bakare 2019). Also, where there is a cancellation, the party, through its executives, is mandated to inform the Commission not less than seven days before the scheduled date of the election, informing the Commission of the rescheduled date, time, and place the primaries are to be conducted.

That notwithstanding, cases of political parties conducting part primaries secretly, shutting out some aspirants and party members abound. For instance, considering the happenings surrounding the ruling All Progressive Congress (APC) party primaries in 2018 and 2022, Senator Shehu Sani has this to say:

There are three sure ways through which a candidate can emerge under the All Progressive Congress (APC) – either the candidate knows someone in the presidency who can put a call across to the members of the National Working Committee to include the candidate's name, a candidate can also emerge if he is in the good book of a governor who in turn compels the party chairman to substitute some other person's name with the intending candidate; or where the intending candidate has enough money to pay his way through (Sunday Tribune 2018, 25).

A recently passed legislation that makes for internal party democracy but which received fierce opposition is section 84(12) of the Electoral Act (2022). The section provides that "no political appointee at any level shall be a voting delegate or be voted for at the convention or congress at any political party for the nomination of the candidate for any election". This provision implies that political appointees or persons holding an appointive position, be it at the federal or state level and despite the nature or nomenclature of the appointment, be it a personal assistant or ministerial appointment, shall not act as a delegate, taking part in voting or nominating candidates nor would such appointees be qualified to be nominated or be voted in as a candidate or party flag bearer in party's convention or congress. The only option for such an appointee aspirant is to resign the appointive position before the party primaries. By section 84(3) Electoral Act (2022), contravening this provision gives INEC the right to exclude an affected political party's candidate for the political position he/she is vying for.<sup>1</sup>

The provision of sections 84 (12) and (13) have been applauded as being a veritable means of strengthening internal party democracy in Nigeria as it is capable of curbing the activities of some political appointees at the federal and state levels who are notorious for contesting political positions while holding unto appointments (Ogun 2022). Their motive usually tilts towards favoring their appointors for the already received favor of appointment or future anticipated favor (Ogun 2022). However, some contend that the inclusion of this section

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<sup>1</sup>See the case of *All Progressive Congress & Ors. v. Marafa* [2017] LPELR-47024 SC



violates some provisions of the Constitution (CFRN 1999) relating to the period of time within which a public servant is expected to resign his office and position before contesting a political position. According to them, section 84(12) contravenes certain sections of the Constitution (CFRN 1999), including sections 66(1)(f), 107(1)(f), 137(1)(g), and 182(1)(g). Combined reading and interpretation of the above provisions of the Constitution (CFRN 1999) suggests that a civil or public servant shall not be eligible to contest and or be elected into an elective position in Nigeria unless he has resigned from his employment and position in the civil or public service not later than 30 days before the day of the election in which he seeks to participate in. The perceived but erroneously construed contravention stems from the fact that while the Constitution in the above sections provides for 30 days, the Electoral Act (2022) in section 84(12) provides that a political party shall submit the name of their candidates not later than 180 days before the scheduled date of the election. To this end, the Electoral Act provides for a longer period, far more than the Constitution stipulates (CFRN 1999).

Be that as it may, section 318 of the Constitution (CFRN 1999), an interpretation section, is clear enough as to what it means to be in public service of the federation or any of the component States. The positions and offices stated under the section do not indicate or contemplate appointive positions such as minister, commissioner, and personal assistant. Therefore, political appointees are not and cannot be construed as public servants envisaged in the Constitution (CFRN 1999). Also, it is a general rule of interpretation that the express provision or mention of one thing implies the exclusion of another.<sup>2</sup> Thus, an express provision of who a public servant is in the Constitution depicts an express exclusion of who is not, such as political appointees in the case of *Progressive People's Alliance v. Peoples Democratic Party & Ors.* (2009), the Court of Appeal held that 'the fact that section 318(1) of the Constitution (CFRN 1999) listed those persons it classified as public servants means that others not listed are not to be regarded as public servants.'<sup>3</sup> Similarly and more recently, in the case of *Oni v. Fayemi* (2019), the Court of Appeal held that a minister is not a public servant under the Constitution (CFRN 1999) and therefore is not bound by the 30 days resignation rule under the Constitution.

The above-examined judicial decisions have made it clear that a political appointee is not a public servant under the Constitution (CFRN 1999); as such, the provision of the Electoral Act (2022) mandating their resignation before acting as a delegate or before participating as a candidate in a party primary election which connotes their resignation not later than 180 days before a general election in which they seek to participate has not contravened any provision of the Constitution or any other law in operation in Nigeria.

Another ground on which section 84(12) of the Electoral Act (2022) has come under attack is that it violates the constitutional and fundamental right of the affected political appointees from discrimination.<sup>4</sup> Under the Constitution (CFRN 1999), the right to freedom from discrimination is a fundamental right. The Universal Declaration of Human and Peoples'

<sup>2</sup> This is expressed in the Latin maxim, *expression ius est exclusio alterius*, these maxim has been applied in a number of cases in Nigeria including *Military Governor of Ondo State v. Adewumi* [1988] 3NWLR (Pt. 82) 280, *A.G Bendel State v. Aideyan* [1989] 4 NWLR (Pt. 118) 646.

<sup>3</sup> See also the case of *Adamu v. Takori* [2010] ALL FWLR(Pt. 1387) CA

<sup>4</sup> See section 42 of the 1999 Constitution.



Rights (UDHR 1948) under Articles 1 and 2 provides that all human beings are born free and equal, and all persons are entitled to all the rights and freedoms outlined in the Declaration. Among the rights provided for in the 1948 Declaration is freedom from discrimination. Article 7 of the UDHR provides that “all human beings are born equal and are entitled without any form of discrimination to equal protection of the law”. In alignment with this perspective, the 1999 Constitution stipulates that no Nigerian citizen should be subjected, either explicitly or through practical implementation, to deprivation, discrimination, or denial of their rights based on factors such as their membership in a particular community, place of origin, sex, religion, or political opinion (*Oni v. Fayemi* 2019).

Considering the provision of section 84(12), it appears that the concept of discrimination against political appointees pertains to discrimination based on the public appointments held by the affected individuals. In simpler terms, discrimination against this group of individuals would be understood as being based on the specific type or nature of their appointments. A literal interpretation of this provision could be reasonable since those holding elective positions in the executive and the legislature are not mandated to resign under the Act. These politicians who hold elective positions cannot be completely absolved from potentially influencing delegates to gain favor for themselves or their preferred candidates. However, the rationale behind not mandating the resignation of those holding elective positions may be attributed to the significant and unfavorable economic implications of such resignations on the country. If they were to resign, it would create a void that must be promptly filled through elections. The Independent National Electoral Commission (INEC) might be required to conduct a new election within the limited timeframe between the resignation of these officials and the next general elections. It can be observed that the provision is discriminatory against these appointees, as they are excluded or limited from participating as contestants or delegates in the election process solely based on their current political office. This discrepancy becomes more apparent when comparing their situation to that of their appointing authorities in the executive branch and their counterparts in the legislature, which are not required to meet similar requirements. It is worth noting that a member of the legislature, whether at the federal or state level, is not obliged to resign from their position before running for reelection or seeking another elective position. The circumstances surrounding *All Progressive Congress v. Bashir Sheriff & 2 Ors*<sup>5</sup> case cannot be severed from the unfettered freedom of elective representatives to contest for the same position they occupy or another, even without resigning from their current elective offices. In this case, Ahmed Lawan, the incumbent Senate president, contested the candidacy for the president's office under the All Progressive Congress. However, before the primary election proper, the political party resolved to zone the office of the presidency to the south, which disqualified him from contesting that position. Meanwhile, during his ambition to contest the office of the president, it was opined that he sponsored one Machina to run for the office of the Senate on the agreement that should he fail to clinch the ticket for presidential position, the said Machina would resign and relinquish the senatorial ticket to him (Olumide, Ochojila, and Akubo 2023).

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<sup>5</sup> [Unreported] Suit No.SC/CV/1689/2022 delivered in Abuja on the 6<sup>th</sup> day of February, 2023 by Justice C.C Nweze.

However, on Lawan's failure to succeed in his presidential ambition during his party primaries, Machina refused to act in line with the alleged arrangement/agreement to resign and give up the ticket for Lawan. Lawan then moved the National Working Committee (NWC) of the party to conduct what could be best described as a kangaroo primary election which, for obvious reasons, saw the emergence of Lawan as the flag bearer to the chagrin of other party members and supporters of Machina (Olumide, Ochojila, and Akubo 2023). The action of the party leaders in the above scenario is nothing but an act of imposition that sees the success of an unpopular candidate. In some cases, these unpopular candidates may be corrupt and incompetent. They struggle to do the bidding of those who helped them come to power, abandoning the interests of the people they ordinarily should represent (Adekeye 2017). These occurrences usually result in factions and split party members along interest lines, sometimes resulting in physical confrontations among these factions. In other cases, the aggrieved party members resort to more civilized conduct by approaching courts to redress their grievances.

### **JUDICIAL DECISIONS ON INTERNAL PARTY DEMOCRACY IN NIGERIA**

Generally, the Constitution (CFRN 1999) empowers the judiciary to interpret legislative instruments and executive policies. According to Section 6 of the Constitution, the judicial powers of the federation encompass the courts established for the federation, while the courts established by and for the states are responsible for exercising judicial functions within their respective states. Section 6(6)(b) provides that "the judicial powers of courts under this section shall extend to all matters between persons or between government and authorities and to any persons in Nigeria, and all actions and proceedings relating to it for determination of any question as to the existence or extent of civil rights and obligation of that person".

To this end, the judiciary is responsible for inquiring into and determining the legality or otherwise of a civil right and obligation. In other words, the powers of the judiciary extend to determining issues and matters arising from or concerning individuals, constituted authorities, governments, or anybody, howsoever described or constituted, provided that the question the courts are called to resolve borders on the existence or extent of legal or civil rights (Nwocha 2017). The question of who occupies a position in a political party and who becomes a party flag bearer centers on legal rights that courts are reposed with authority to determine. Between 1999, the inception of Nigeria's Fourth Republic, and 2023, there have been behavioral shifts among Nigerian politicians from thuggery to accessing the judicial corridors in conflict resolutions (Enweremadu 2011).

This increased utilization of the judicial corridor and the wide acceptance of judicial decisions stems from increased party members' confidence in the judiciary. The confidence is restored due to modification and modernization of the judiciary towards attaining a height equal to her counterparts in the global space where advanced democracy is practiced. This struggle to achieve a renowned feat in the judiciary is evidenced in Nigeria's seeming independent nature, which has led to delivering sound and unbiased judgments irrespective of who is involved (Enweremadu 2011). This attitude of the judiciary expresses her independence, builds confidence in party members, and strengthens democracy. However, the fact that there have also been controversies over some judicial decisions cannot be ruled out. In other words,

the decisions in some cases bordering on internal party affairs are commendable. Others have been widely criticized on the ground, among others, that the apex court acted in error, closing its eyes to some vital issues and facts in reaching its decisions, especially in pre-election matters (Unachukwu 2013). For this essay, the decision of the Supreme Court in the cases of *Amechi v. INEC* (2008) and *All Progressives Congress v. Bashir Sheriff & 2 Ors* (2023) will be examined to distinguish between the two decisions.

The reason for some decision variations may not be completely severed from the fact that courts act according to and within their constitutional powers considering the peculiarity of every fact and circumstance, as any decision reached outside courts constitutionally enabled powers may amount to laboring in futility. Before the 2003 Electoral Act, the judiciary's powers did not extend to political parties' internal affairs. For instance, the 2002 Electoral Act confers on political parties the unfettered right to substitute candidates once the concerned political party notifies the INEC of the substitution not later than 30 days before the election.<sup>6</sup> This position was evident in some cases decided between 2003 and 2007, such as the case of *Onuoha v. Okafor* (1983), where it was held that the fact of whom a political party chooses to present or sponsor in an election is purely an internal affair of the party to be controlled by the workings of her internal mechanism and party Constitution; and as such, courts shall not delve into and or entertain any matter arising from there (Unachukwu 2013). In buttressing the non-justiciability of internal party affairs pre-2006, Irikefe JSC, whose reasoning was in line with the lead judgment in *Onuoha's* case above, observed that:

The matter in controversy in this appeal is whether a court has jurisdiction to entertain a claim whereby it can compel a political party to sponsor one candidate in preference for another candidate of the self-same political party. If a court could do this, it would effectively manage the political party for the members thereof. The issue of who should be a candidate of a given political party at any election is clearly a political one to be determined by the party's rules and Constitution. Thus, It is a domestic issue and not just as justifiable in a court of law.

Owing to this harsh provision which did not remedy the substituted candidates, political party leaders became gods unto their members, especially those not in their good books, as they tend to substitute names of candidates at will with or without reason. However, the Electoral Act (2006) ushered in a new trend, bringing succor and respite to wrongfully substituted candidates. Under section 34 of the Electoral Act (2006), political parties are free to substitute candidates for another provided the party concerned gives a cogent and verifiable reason for the substitution. The fresh air that this provision of the Electoral Act (2006) offered to aggrieved party members and victims of illegal substitution was tested in the case of *Amaechi v. INEC & Ors* (2008). In this case, the Supreme Court was tasked with determining who the authentic candidate and Peoples Democratic Party (PDP) flag bearer for Rivers State's gubernatorial candidate in 2007 was. Some aspirants contested the party's primary election; however, one, Mr. Chibuike Amaechi, the appellant, was declared the winner, having polled the highest number of votes cast. The party leaders nevertheless substituted the appellant's name

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<sup>6</sup> See section 23 of the Electoral Act 2003.

with one Celestine Omehia, the second respondent on the claim that Amechi's name was submitted in error, submitted the same to INEC, who accordingly published Omehia's name as the party's candidate. Aggrieved by this, the appellant approached the court, questioning the validity of the substitution and INEC's action in publishing Omehia's name, among other issues. The trial Court found in favor of the appellant, holding that although the substitution was made on legal grounds and within the time limit, it fell short of specifying a reason for doing the same and did not afford any meaningful relief to the appellant. The appellant appealed against the decision to the Court of Appeal and up to the Supreme Court amidst a general election conducted during the pendency of the suit, and the second defendant-Omehia declared the winner and sworn in. In delivering judgment on the appeal, the Supreme Court, among other things, considered section 34 of the Electoral Act (2006) and declared that the appellant was the candidate of the PDP duly nominated, campaigned for, and voted for at the election. In reaching this position, the Supreme Court had recourse to section 221 of the Constitution (CFRN 1999) on the constitutionality of independent candidacy and held that without a party, a candidate could not contest; it is only a party that canvasses for votes, it follows that it is a party that wins an election. A good or bad candidate may enhance or diminish the prospect of his party winning, but at the end of the day, the party wins or loses the election; to this end, any vote for a party goes to the candidate sponsored by the party. As such, the appellant being the rightfully sponsored candidate of the People's Democratic Party, all votes for the party amount to votes for him.

This case of Amaechi served as a platform on which several other decisions on invalid and malicious substitution of candidates by political parties in Nigeria under the Electoral Act (2006) were decided. In almost all similar cases, the courts declared the substitution invalid, and the aggrieved person who may have taken part in almost all stages of the election was a validly nominated candidate (Unachukwu 2013). It is also believed that this decision informed the introduction of section 141 of the Electoral Act, 2010, which provides that "an election tribunal or court shall not under any circumstances declare any person a winner at an election in which such a person has not fully participated in all the stages". This has largely tamed some stubborn and carefree party leaders in substituting party candidates and would-be flag bearers. This is believed to have positively impacted and contributed to internal party democracy and democratic consolidation in Nigeria.

Notwithstanding this decision, a case with similar fact to Amaechi's case bordering on high-handedness of political party leadership and power that be in irregular but tactical substitution of party candidates received a different decision in Nigeria in 2023 in the case of *All Progressives Congress v. Bashir Sheriff* (2022). In this case, in a primary election of the APC for the office of the Yobe North senatorial candidate held on 28 May 2022, one Bashir Sheriff Machina was declared the winner, having scored the highest votes cast. However, on 9 June 2022, another primary election was allegedly conducted, which saw the Senate President, Ahmed Lawan, emerge as the winner. To this end, Machina's name, already submitted to the INEC, was substituted with Ahmed Lawan's. Aggrieved by this, Machina instituted an action in court challenging this substitution. The trial court held in his favor holding the substitution illegal. The trial court's decision was upheld on Lawan's appeal to the Court of Appeal. However, on a further appeal to the Supreme Court, the trial and Court of Appeal decision were upturned

on the technical ground that the originating process through which the matter was instituted at the trial court was defective. The nature of the claim involved some contentious issues and ought to be instituted through a writ of summons as against the originating motion through which it was instituted.<sup>7</sup>

However, in a dissenting judgment by Justices Adamu Jauro and Emmanuel Akomaye Agim, it was held that both the Federal High Court and the Court of Appeal declared Machina the winner. According to them, Lawan never participated in the APC primaries held on 28 May 2022 as he voluntarily withdrew to contest for the APC presidential primaries held on 8 June 2022. They further held that the alleged conduct of another primary election on 9 June amounts to a violation of section 84(5) and section 285 of the Constitution (CFRN 1999) on the requirement of a political party to cancel a primary election before conducting another. More so, the Independent National Electoral Commission (INEC) claimed it never witnessed the alleged primary election of 9 June as there was no notification or invitation from the party to INEC to witness this second primary.

In examining the Supreme Court's reason for setting aside the judgment of the trial court and the Court of Appeal in this instant case, one could not question the rationale behind that line of reasoning. However, it is a long-settled legal position that court decisions are reached based on the facts and peculiarity of every case (Shulayeva, Siddharthan, and Wyner 2017), as courts cannot descend to the arena of gathering facts but are only guided by facts presented before it. In the case of *Mitchell v. Queen* (2009), it is maintained that a judge should remain all off from fray and neutral during the elucidation of evidence. This is because even if a judge gives a seemingly fair and balanced judgment, the same does not undo the seeming unfairness during the trial where he descends into the arena.<sup>8</sup>

This position notwithstanding, numerous cases abound on the need for courts to move away from technicalities into the realm of substance in determining issues before it. For instance, in the case of *Akeredolu v. Abraham & Ors* (2018), the Supreme Court held that "technicality in the administration of justice shuts out justice; a man denied justice on any ground grudges the administration of it; it is, therefore, better to have a case heard and determined on merit than to leave the Court with a shield of the victory obtained on a mere technicality". In the words of Niki Tobi JSC, deciding a case based on technicalities could be described as deciding a case on strict adherence to the rules of courts, paying less attention to the case's merits.<sup>9</sup> Also, in the *Ebere Okezie v. 3 Ors. v. Central Bank of Nigeria* (2020), the Supreme Court held that "there is a need to keep the focus on the substantiality of justice and as such, each of the originating forms is valid". The position that courts should shift away from technicalities in doing substantial justice becomes more compelling when a matter arising from pre or post-election is involved. Under the different Electoral Acts, election petitions are *sui generis*, peculiar, and independent of any other legal classification. As such, deciding a pre-election matter based on a technicality will seriously affect the concerned party's internal democracy, voter confidence, and democratic consolidation.

<sup>7</sup> Justice C.C Nweze who delivered the lead judgment.

<sup>8</sup> Lord Wilson in the case of *Re G (Child)* [2015] EWCA Civ 834, 52.

<sup>9</sup> See the case of *Yusuf v. Adegoke* [2007] LPELR 3534 (SC).

## CONCLUSION

Irregularities often plague the selection of party flag bearers and subsequent representatives. Consequently, this undermines the confidence of party members and voters in their representatives and hinders the consolidation of democracy as a whole. Despite the provisions offered in the Electoral Acts since 2006, high-handedness and political godfatherism continue to dominate Nigerian political parties, leading to frequent resort to the courts by aggrieved party members. The judiciary has displayed a commendable level of judicial activism in certain cases, while in others, unpopular decisions have been rendered due to strict adherence to technicalities, despite the unique nature of electoral matters and cases arising from political party affairs. The courts should prioritize substantive justice in all cases and end the era of excessive reliance on technicalities.

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# DEMOCRATIC BACKSLIDING IN GEORGIA AND THE ROLE OF THE RIVALRY BETWEEN THE GEORGIAN DREAM AND THE UNITED NATIONAL MOVEMENT

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**Abstract:** *Over the past decade, the political system in Georgia was marked by a two-party system which was mainly attributed to the flawed electoral system. This led to the prevalence of the political arena being dominated by the ongoing competition between the Georgian Dream and the United National Movement and affective polarization. However, in recent years under the leadership of Georgian Dream, the progress of democracy in Georgia slowed down and there was a rise in authoritarian tactics used by the government to suppress opposition. This study employed qualitative research techniques over a range of primary and secondary sources to explore the role of democratic backsliding, freedom of media, and the incarceration of prominent political figures in the political polarization of Georgia. The study contended that the "winner takes all" mindset of the competing parties began to undermine Georgian democracy and its global reputation as the rivalry threatened Georgia's progress toward European integration. The study concluded that the rivalry and the polarization had significant implications for the future of politics in Georgia and its relationship with Europe.*

**Keywords:** *Georgia; Affective Polarization; Democratic Backsliding; Georgian Dream; United National Movement*

## INTRODUCTION

In Georgia, the issue of political rivalry and affective polarization has been particularly prevalent in recent years, with the main political parties holding contrasting views on a range of issues and being unwilling to compromise, resulting in political gridlock and crises. The Georgian Dream (GD) and the United National Movement (UNM) are two of the dominant political parties in Georgia that have been competing for power and influence since the Rose Revolution. Their ongoing rivalry has played a significant role in shaping Georgian politics in recent times and has its roots in the country's recent past. Their competition for power has been marked by acrimonious and divisive political campaigns at times, contributing to an overall climate of increased political polarization and democratic backsliding in Georgia.

Since the Rose Revolution in 2003, when Georgia decided to eliminate its political legacy of the Soviet Union, only two parties have formed governments in the country. This primarily arises because the parliament's high number of seats is derived from single-seat majoritarian constituencies (Georgian Parliament 2020). These constituencies disadvantage small political parties and fail to reflect the votes proportionally in the parliament. There have been attempts to reduce the single-seat majoritarian constituencies and to introduce a fully-proportional system

(A way ahead for Georgia 2021); however, this has also been another polarizing issue between the ruling party and the opposition.

In summary, the main objective of this research is to analyze the outcomes of the rivalry and subsequent polarization, as well as the democratic regression resulting from media suppression and the imprisonment of political opponents in recent years. The study will specifically focus on the roles played by the two major political parties. Furthermore, this research aims to contribute to the existing literature on Georgia's domestic and foreign policies and the subject of political rivalry and polarization. To achieve these objectives, the study will address the following research questions:

- How does political rivalry contribute to the democratic backsliding in Georgia?
- What are the primary causes of polarization in Georgia in recent years?

### **DEBATES ON POLITICAL RIVALRY BETWEEN UNITED NATIONAL MOVEMENT AND GEORGIAN DREAM**

In recent years, the zero-sum game between the GD and UNM has resulted in significant political crises and a decline in the country's democracy. Samkharadze (2021) argues that the political polarization in Georgia is driven by animosity, the idea that one person's gain equals another person's loss, and personal tactics affecting media coverage. This exacerbates the harmful effects of polarization and poses a danger to progress toward a democratic and cooperative political environment. Meister (2021) indicates polarization as a key characteristic of Georgian politics today and states that the country entered a deep political crisis; following the parliamentary election in October 2020. The rivalry between the GD and the UNM is also interesting because it is not based on ideological differences.

On the contrary, it is driven by the interests of the political elite and their state-capture efforts. Burkadze (2022) argues that political parties lack a defined set of values or beliefs and instead adjust their actions based on what will bring them immediate success, regardless of long-term consequences. Kuprashvili (2019) suggests that ideological differences do not drive polarization in Georgia but manifest as a dynamic where two political rivals form opposing partnerships during pre-election periods, known as "antagonist symbiosis". Meister (2021) proposes that the GD and the UNM have a vested interest in promoting polarization in Georgia as it enables them to mobilize their respective electorates and leaves little room for competing parties.

According to Gelashvili (2021), whenever a different political party takes control in Georgia, they reverse decisions made by the previous government. For instance, when the GD came to power, it reversed several actions the previous government took. Meanwhile, the opposition often turns to confrontational tactics, like staging protests or boycotting parliament. However, it is a matter of debate whether this confrontational attitude preferred by the main opposition has a favorable impact in the eyes of the public. For example, De Waal (2022) argues that the main opposition in Georgia, particularly the previous ruling UNM, provides the public with nothing more than hostile rhetoric and criticism of the administration. According to surveys, only 10% of Georgian voters strongly identify with the UNM (National Democratic Institute 2022).

The zero-sum game between the government and the opposition further contributes to democratic backsliding in the country and hinders the progress of Georgia towards its clearly defined European aspirations. According to Samkharadze (2022), this political impasse between the government and the opposition hinders the potential for productive and healthy political discussions in Georgia, making it more complicated to find a compromise. Consequently, Georgia's primary goals, such as moving towards democratization and European integration, become questionable in the long run. De Waal (2022) also argues that for the past few years, the Georgian Dream government in Tbilisi has moved Georgia further from European norms and defied the EU over judicial reform, the conduct of local elections, and the way it handled a pride rally in Tbilisi and there are concerns that GD, wants to turn the country into a one-party state. Even though both parties identify themselves as pro-Western and commit to European integration, there are some differences in their rhetoric towards Russia. For instance, Gegeshidze and De Waal (2021) indicate that the GD adopts a more conciliatory stance toward Russia while the UNM adopts a more confrontational one. The extreme split exists over the extent to which each party is committed to the West and over issues of strategy and perceived geopolitical disparities.

Some argue that this destructive political rivalry has paved the way for smaller political parties in Georgia. For example, Burkadze (2022) states that during a democratic decline, far-right groups grow stronger and expand their influence, often serving the interests of those in power or central organizations such as the Church. They also become more visible by using divisive topics like gender and sexuality to increase political polarization. Additionally, Bertoa and Rama (2021) argue that during the 2016 parliamentary elections in Georgia, anti-political-establishment parties received an unprecedented percentage of the votes, resulting in a spiral of instability and political chaos that was unparalleled since the country's democratization in 2004.

## THEORETICAL APPROACH AND METHODOLOGY

Regarding the two-party political systems in political science, Duverger's Law is the most popular and widely discussed theoretical approach in the literature, which can be attributed to the works of French sociologist Maurice Duverger. Duverger's Law refers to the majoritarian election systems with a single seat that favors a two-party system. Duverger (1954) argued that smaller political parties are discouraged from competing in electoral systems that prioritize plurality voting as they face significant obstacles in winning seats or representation. Voters may be hesitant to vote for a smaller party whose policies they support because they do not want their vote wasted on a party unlikely to win a plurality. As a result, voters tend to lean towards one of the two major parties, which have a greater chance of achieving a plurality, winning the election, and implementing policies (Schlesinger and Schlesinger 2006). Duverger (1972) did not consider this principle to be completely rigid, proposing instead that a plurality system would slow down the rise of new political forces and expedite the removal of weakening ones, as there have been counterarguments that regional parties can disrupt the principal (Rae 1971; Riker 1982).

However, due to the electoral system that disfavors smaller political parties in Georgia, realistically, only two political parties can gain the majority in the parliament. This duality has also led to an increase in affective polarization, which refers to the difference in how people feel



positively about their political party and negatively about the other party rather than ideological differences (Iyengar and Westwood 2015, 691), and the divide has been worsened in recent years due to the changes in today's political and media landscape (Iyengar et al. 2019) and the observed phenomenon has been increasing in multiple countries in recent times (Boxell, Gentzkow, and Shapiro 2022). The trend has increased polarization, making it challenging for politicians to agree and find common ground on various issues. Consequently, it is detrimental to Georgia's democracy and its eventual goal of becoming a member of the European family. The detrimental effects of extreme political polarization may vary and can be felt in various areas of life. For example, when political polarization intensifies, it can lead to other abnormal situations, such as the collapse of social and political structures, political unrest, labor strikes, and other non-violent tactics one group employs to harm another. There is compelling evidence to suggest that polarization also diminishes people's willingness to support shared objectives, decreasing the availability of public resources and obstructing the economic progress of developing nations (Esteban and Schneider 2008).

This article has been approached as a single case study research based on qualitative research methods. The study gathered empirical data from primary and secondary sources such as press releases, reports, scientific articles, news articles, electronic sources, interviews, opinion pieces, agreements, and so on. Additionally, quantitative data extracted from the most up-to-date datasets were utilized to provide a clear picture of recent political trends related to political polarization in Georgia. In this context, content analysis and desk research constitute important components of the research methodology.

### **DEMOCRATIC BACKSLIDING AND INCREASING POLITICAL POLARIZATION IN GEORGIA RECENT YEARS**

Thanks to its integration with the European Union and various initiatives such as European Neighborhood Policy (ENP), Eastern Partnership (EaP), and the Association Agreement in the past decade, Georgia has made significant progress in anti-corruption, transparency, the establishment of effective institutions and implementation of European Union reforms, and these achievements were also universally praised. However, since 2019, the GD government has taken a tougher position against the opposition in the country. It adopted more conservative rhetoric at home and abroad when Iraqi Garibashvili was re-elected prime minister in 2021. In this period, tensions are also observed in the relations with the EU, which is perhaps the biggest stakeholder in the democratic reforms in the country. GD government officials are now publicly criticizing the EU and sometimes even blaming it openly. In addition to these verbal disputes, Georgia's EU alignment rate has decreased in recent years, which has been confirmed in the reports evaluating the partnership agreement by the EU. In this context, unlike Moldova and Ukraine, in 2022, Georgia could not get the EU candidate status and instead left with 12 recommendations for getting the candidate status.

Moreover, in recent years several Western partners of Georgia have raised concerns about human and minority rights issues in addition to the independence of the judiciary and investigations against the opposition that may have been politically motivated. For example, the 2022 report by the US State Department of Human Rights Practices in Georgia highlighted several critical issues. These included concerns over the impartiality of the judiciary, politically



motivated investigations and prosecutions, unjustified intrusion into personal privacy, severe limitations on freedom of speech and media, violent attacks and threats against journalists, significant impediments to peaceful assembly and association, forced deportation of refugees, and violent crimes targeting individuals and activists who identify as lesbian, gay, bisexual, transgender, queer, or intersex (US Department of State 2023).

State capture, the independence of the judiciary, and corruption are also interrelated issues in Georgia. Both state capture and corruption have damaged Georgia's international reputation recently. In 2023, the US Department of State publicly designated four Georgian judges under sanctions due to their involvement in significant corruption. It claimed that the judges abused their positions as court Chairmen and members of Georgia's High Council of Justice (US Embassy Tbilisi 2023). The Georgian government, in response, characterized the decision as completely incomprehensible and unacceptable and stated that it would damage the long-standing friendly relations between Georgia and the US (Georgian FM 2023).

## **Polarization of Media**

The role of the media in Georgia's political polarization is undeniably significant. Today, the media is an area of political division and perhaps the most important political tool actively used by political parties to advance their objectives and undermine their adversaries. In this context, media in Georgia is very much divided between pro-government and pro-opposition organizations. Under the UNM's leadership, Saakashvili's ruling party gradually eroded the independence of the press, resulting in the state's tight control over national TV channels and their news coverage. In this period, most newspapers and broadcasters were firmly under the government's control (Caryl 2012). However, over the past few years, just like the UNM, the Georgian Dream government has started to use various methods to exert pressure on media outlets that strive to maintain their impartiality or support the opposition. As a result, the degradation of free media that represents all segments of society in Georgia has come under criticism (Ambassador Degnan 2023).

In this context, recent verdicts and imprisonments of the heads of the opposition media channels that served as ministers under the UNM's government in the country have also raised questions about whether these prosecutions are politically motivated. For instance, the Georgian government arrested Nika Gvaramia, a Georgian journalist and a former minister under UNM leadership, in July 2020 for allegedly misappropriating funds from the television station Rustavi 2 (JamNews 2022). The former Minister of Defense under the UNM leadership, the founder of the opposition TV channel Formula, was also recently sentenced to pay €5 million to the Ministry of Defense for embezzlement of the funds (Court of Appeal 2023). However, regarding the freedom of media in Georgia, adopting the so-called Foreign Agents Law has been the most divisive topic in the country in recent years. The People's Power political party, which consists of a member of parliaments who left the GD but stayed in the pro-government bloc, announced on 14 February 2023 that they have prepared a proposal to regulate the work of organizations funded by foreign sources and would officially submit it to parliament. The ruling GD has also announced its support for the bill in Parliament (Georgian Dream 2023). On 21 February 2023, after initial criticism, People's Power stated that they would change the law and plan to translate

the US Foreign Agents Registration Act directly and register it in parliament within a few days (People's Power 2022). It is important to note that the People's Power Party was established by the three MPs who left the ruling GD in the summer of 2022 to speak more openly and immediately criticized the EU over its "pointless" candidate status and accused it of trying to draw Georgia into a war with Russia (Kinch 2022). Some claim that the People's Power is an attempt by the ruling GD to shift the blame for the increasing anti-Western rhetoric for domestic politics and make the GD look more moderate *vis-a-vis* relations with the West. For instance, a recent study conducted by CRRG Georgia portrayed the GD as less extreme than its breakaway faction, People's Power, and boosted the governing party's popularity (Turmanidze 2023).

In this context, the controversial draft law proposed by the People's Power aimed to register non-commercial legal entities, broadcasters, legal entities that alone or jointly own a print media outlet operating in Georgia, and legal entities that own or use, jointly or with others, an internet domain and/or internet hosting that receive more than 20% of the annual total revenue from a foreign power. Therefore, many NGOs, media outlets, and even religious organizations operating in Georgia will have to register as foreign agents or face fines (People's Power 2023). Opposition and many media outlets in Georgia call the draft law "Russian Law" as it resembled the same foreign agents' registration law introduced in Russia.

On 7 March 2023, the Foreign Agent Law passed the first reading at the Georgian Parliament despite the objections of the United States (US Deeply Concerned 2023), the EU (PACE Rapporteurs 2023), and many of its Member States. The EU authorities repeatedly emphasized that the Law is incompatible with Georgia's EU aspirations and that its promised EU candidate status jeopardized its European path (EEAS 2023). The Law also sparked large protests outside of the Parliament in Tbilisi, and Georgian riot police were deployed to disperse the protesters. The violent crackdown on the protesters has also been widely covered in the international media.

Remarkably, Georgian President Salome Zourabichvili also slammed the Foreign Agents Law as it would restrict freedom of speech and damage the democratic transformation of the country (President 2023). Additionally, the president clearly stated her intention to veto the law in case it is adopted by the parliament (Kinch 2023), even though the parliament had the authority to override her veto if the majority of the MPs supported the Law for the second time. However, due to the successful first reading in the parliament, the protests took a violent turn in the capital Tbilisi on the night of 8 March 2023, with thousands of protesters actively clashing with the police until the next morning. The next day the Georgian Dream announced that it would not support the Law on Foreign Influence. Naturally, the announcement has been met with skepticism from the opposition claiming the GD would pass the Law after the protests subside. However, the Parliament held an extraordinary session the next day, and the opposition MP votes rejected the draft law, whereas GD MPs abstained. Unsurprisingly Georgian PM Irakli Gharibashvili blamed the opposition for protests saying that the protests were orchestrated by destructive, anarchist, and extremist forces in coordination with the UNM and even accused some protesters of dressing as Satanists (PM Garibashvili 2023).

## Imprisonment of Political Opponents

The imprisonment of important opposition figures in recent years has also started another political polarization process in Georgia. The polarization on this issue peaked with the arrest of former president and UNM party leader Mikheil Saakashvili following his return to Georgia after a long break. Former president Mikheil Saakashvili, who developed closer ties with the Euro-Atlantic Community (Lomia 2020) left Georgia in 2013 after he was charged with embezzlement of public funds and abuse of power and became a Ukrainian citizen in 2015. Just as Bidzina Ivanishvili was expelled from Georgian citizenship under the UNM's rule, Saakashvili was stripped of his Georgian citizenship in this period. He served as Odesa's governor in Ukraine, was later stripped of Ukrainian citizenship, and became a political fugitive in the Netherlands. His Ukrainian citizenship was restored later under President Zelensky.

On 01 October 2021, just on the eve of the local elections in Georgia, Saakashvili announced that he had returned to Georgia via social media post promoting the Georgian authorities to start a nationwide manhunt for the former president immediately and arrested him on the same day (Georgia Arrests Ex-President 2021). Naturally, the imprisonment of former President Saakashvili has gotten much more international attention not only because it is a high-profile case that involves Georgia's first president, famous for changing Georgia's orientation towards Euro-Atlantic Alliance but also because it involves much drama like the hunger strike and serious deterioration of the health of Saakashvili in such a short period. Leaked hospital footage of Saakashvili showed the former president as frail and barely able to walk, and his lawyers claimed that Saakashvili could die if he did not get the necessary medical attention (McFaul 2023).

As a result, the EU and the US (Agenda 2021) called for Saakashvili to be released from prison or sent to treatment abroad for adequate treatment (European Parliament 2023). However, the GD did not heed these calls, insisting that it was a sham staged by Saakashvili and the UNM and that the former president had received the necessary treatment. In 2021, the President of Georgia, Salome Zourabishvili, declared that she would never pardon Saakashvili, thus closing the way for this crisis to end with a presidential pardon before it evolved into a crisis that damaging Georgia's reputation in the international arena (President Zurabishvili 2021). However, it is also interesting that recently she criticized the court's decision to reject the deferral of Saakashvili's sentence or his release for treatment on health grounds saying the decision condemned Georgian people to be a hostage of the situation (President Zurabishvili 2023). Following the court's decision, the UNM also announced a parliamentary boycott and a series of nationwide protests (UNM 2023).

However, while arresting the country's former president for the abuse of power is one thing, arresting the main opposition leader, the primary political opponent of the ruling party, casts a much darker shadow on Georgia's democratic credentials. The Georgian government arrested Nika Melia, the Chairman of UNM, who had served as the party's leader until 2023, after the police forcefully entered the UNM headquarters in February 2021. He was charged with allegedly inciting violence during anti-government protests in 2019 (Khurshudyan 2021). The arrest led to international condemnation by Brussels and Washington, and consequently, the UNM chair Nika Melia was released from prison only after the EU posted his bail (Dartford

2021). Meanwhile, other small political parties in the Parliament cannot avoid being the target of GD. In 2022, three deputies from three different parties were stripped of their mandates, with the votes of GD further weakening the opposition in the Parliament (Grass 2022).

Overall, the imprisonment of key figures or active opposition politicians contributes not only to Georgia's already tense political environment but also further damages Georgia's international reputation and jeopardizes its inevitable path toward the European Union. It can also be considered an extension of the vicious rivalry between the UNM and GD that plagued Georgia for more than a decade. Unfortunately, the zero-sum game between the GD and the UNM ignores the interests of Georgia and its people. Instead of burying the hatchet for the greater good, the politicians continue to demonize each other, further increasing the polarization in the country (PM Compares 2023).

## CONCLUSION

Although it has been reformed several times recently, the electoral system in Georgia still contains many single-seat majoritarian constituencies that serve the two-party system as envisioned by Duverger's Law. In recent years, Georgian Dream's unwillingness to introduce a fully-proportional election system that possibly would cost it to lose MPs in the parliament has triggered a series of political crises between the ruling party and the opposition. Moreover, the winner takes all mentality adopted by the political parties in Georgia resulted in increased affective polarization and serious democratic backsliding in recent years. Suppression of the free or opposition-sided media organizations, imprisonment of prominent political figures, and slowdown in the EU reforms are all the result of the political rivalry in the country.

However, corruption and state capture remain significant challenges for Georgia, and there have been serious allegations of corrupt practices and state capture within the Georgian Dream government. These allegations have been the subject of ongoing debate and controversy. Georgia needs to continue its efforts to address these issues and ensure that its public institutions are accountable and transparent; otherwise, the country's international reputation, hence the ongoing EU integration, will suffer.

The increasing trend of anti-Western rhetoric is another worrisome development contributing to further polarization in the country. There is an increasing attempt from the ruling party members to label anyone who criticizes the government or is associated with the opposition as a foreign agent. Georgian Dream's open support for the foreign agents' law led to violent protests in the capital. In light of these findings, it is also interesting that the main opposition party UNM is still far behind Georgian Dream in recent polls. UNM's past anti-democratic practices under its government still impact the Georgians voters' preferences. Overall, the rivalry and ensuing political polarization threaten the foundations of democracy in Georgia. Therefore, Georgia's recently recognized European path remains under threat. It is unlikely all the issues aforementioned in the study will be resolved under a compromise between the Georgian Dream and the opposition by the year's end when the EU decides about Georgia's candidate status.

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# THE CONTRIBUTION OF THE REPUBLIC OF NORTH MACEDONIA TO THE PREVENTION AND FIGHTING OF MIGRANT SMUGGLING

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**Abstract:** *The Republic of North Macedonia, as a country with a central geographic location on the Balkan Peninsula, represents a transit state through which the main road passes, where nearly a million migrants passed in recent years. This is also why many gangs and criminal groups that operate in an organized manner in the territory of the Republic of North Macedonia are allowed to commit criminal offenses related to the smuggling of migrants, which is also the research problem of this paper. With the content analysis method, we offer an overview of the criminalization of the offense of "migrant smuggling" in the Republic of North Macedonia. In contrast, through the statistical method, we offer a statistical analysis of criminal offenses of this type to create a good overview of the number and manner of committing these criminal acts. Based on the results of official statistical data from 2017-2021, it has been established that the number of smuggling migrants is increasing, while the number of persons convicted for the criminal offense "smuggling of migrants" is increasing slightly. We conclude that the Republic of North Macedonia has raised its capacities following international standards and has made a legal and institutional contribution to the prevention and fight against migrant smuggling.*

**Keywords:** *Organized Crime; Migrants; Smuggling; Crime; Victims*

## INTRODUCTION

The migrant crisis is a complex problem that necessitates radical solutions. A comprehensive understanding of the reasons for migration and the situation in the Mediterranean basin and the Middle East is essential for finding appropriate solutions. Migrant smuggling results from people from different backgrounds migrating through the Republic of North Macedonia for a better future. Migration is not only a national issue but also a global problem today. It is influenced by various factors such as political, economic, social, and military circumstances. Illegal migration is a phenomenon that demands significant attention from our country's authorities, as well as from Western countries and the European Union.

The Republic of North Macedonia, located centrally on the Balkan Peninsula, serves as a transit state through which millions of migrants have passed in the last five years, earning the label of a transit country. Additionally, the Republic of North Macedonia is one of the main routes migrants travel in pursuit of a better future. Consequently, numerous organized gangs and criminal groups operate within the territory of the Republic of North Macedonia, engaging in criminal offenses related to migrants, particularly the smuggling of migrants. The increasing

number of such crimes perpetrated by national and international criminal organizations underscores the urgent need for robust and immediate measures to reduce and prevent this type of criminal activity.

This paper aims to provide a comprehensive overview of migration and the routes migrants traverse, the *modus operandi* of the criminal offense of migrant smuggling, and the response of competent state authorities in preventing and combating this issue. Its objective is to offer an in-depth analysis of the number and patterns of these criminal offenses, specifically those committed between 2017 and 2021, and to highlight the Republic of North Macedonia's contribution to preventing migrant smuggling as a form of organized crime. Therefore, the fight against smuggling should be understood within the legal and institutional framework of the Republic of North Macedonia when addressing this phenomenon.

### DEFINING "SMUGGLING OF MIGRANTS"

To discuss the smuggling of migrants, it is necessary to define the terms "illegal migration" and "illegal migrant". The concept of "illegal migration" encompasses movement outside the established regulatory procedures, both from countries of origin, transit countries, and the countries that receive the migrants themselves. The term "illegal migrant" refers to an individual who lacks legal status upon entry to the host country due to illegal entry or an expired visa (Training Manual 2002/2003, 19). Based on these definitions, it can be inferred that the smuggling of migrants involves facilitating illegal border crossing and unlawful entry. Consequently, smuggling inherently has a transnational element primarily targeting the interests of the state rather than the smuggled person (Labović and Nikolovski 2010, 442).

During its third session on crime prevention and criminal law in 1994, the United Nations recognized the escalating activity of transnational criminal organizations profiting from the illegal smuggling of migrants (Stanojoska and Aslimoski 2019, 159). This situation necessitated an international legal response to combat such criminal activities, where individuals are treated as commodities with their dignity being disregarded.

In 2000, the Republic of North Macedonia signed the UN-approved Convention against Transnational Organized Crime, along with the Protocol to Prevent, Combat, and Punish Trafficking in Persons, Especially Women, and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea, and Air. According to these protocols, "smuggling of migrants" refers to the act of receiving a financial or material benefit, directly or indirectly, from facilitating the illegal entry of a person into a country where they are not a citizen or permanent resident (Protocol against Smuggling of Migrants, Article 3a).

The Smuggling Protocol specifies that the smuggling of migrants involves procuring the illegal entry of another person into a different country to gain financial or material benefits.

In 2004, the Assembly of the Republic of North Macedonia introduced Article 418b to the Criminal Code, which addresses the issue of migrant smuggling through amending and supplementing the legislation.

According to Macedonian legislation, a migrant smuggler is defined as an individual who, through violence or serious threats to life or bodily harm, robbery, fraud, abuse of their official position, or by exploiting another person's vulnerability, illegally transports migrants

across the state border. Additionally, those who produce, supply, or possess false travel documents for this purpose are also considered smugglers and will be sentenced to a minimum of four years of imprisonment. Anyone involved in recruiting, transporting, carrying, buying, selling, sheltering, or accepting migrants will face imprisonment ranging from one to five years. If the commission of the crime of migrant smuggling endangers the life or health of the migrants, or if they are treated disrespectfully, rudely, or prevented from exercising their rights under international law, the perpetrator will be sentenced to a minimum of eight years imprisonment (Official Gazette of RNM, No. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 07/08, 139/ 08, 114 /09, 51/11, 135/11, 185/11, 142/12, 166/12).

### **STRUCTURE OF ORGANIZED CRIMINAL GROUPS FOR COMMITTING THE CRIME OF "MIGRANT SMUGGLING"**

A structured group is a group that is not formed randomly, such as a group formed for the immediate commission of a crime. Members do not necessarily have formally defined roles, continuity of membership, or a developed structure (Palermo Convention 2000, Article 2).

The implementation and solution to the smuggling of migrants depend on several factors: the distance between the migrant's destination and their country of origin, the transportation connections between those countries and transit points, the number of migrants being smuggled, the level of organization, the size and readiness of the criminal group, the effectiveness of the security system's response to organized illegal migration, the efficiency of state border security, and other factors. Some research shows several principal levels of operation:

- Informal leadership, committed to the entire process of human trafficking and migrant smuggling, controls the specific route and ensures the group's security.
- Internationally connected criminal bosses operate in the victims' countries of origin, transit, and destination.
- Specialized teams are paid to smuggle people through specific border areas.
- Local collaborators in specific centers or border areas are entrusted with specific tasks (Mijalković and Bajagić 2012, 135).

Criminal smuggling networks are well-structured, hierarchical, flexible, and capable of rapid adaptation. They have a multinational structure and are located in countries along the smuggling routes. These networks facilitate the logistics of migrant transportation using various methods depending on geographical, weather, relief, and security conditions. Smugglers of different nationalities position themselves as organizers for transferring migrants from Turkey through routes to their final destinations in EU countries, with Germany being the most common destination. Citizens from transit countries along the route play a less important role in these criminal networks. They are primarily involved in logistics, such as accommodating migrants or facilitating transportation along the route(s). The task of smuggling networks involves coordinating activities with local subcontractors, including accepting migrants in transit countries, providing transportation means, finding temporary accommodation locations, and monitoring bank transactions from one point of transfer to the next. Additionally, the ethnic and

religious elements play a significant role in the organizational structure of these smuggling groups. They become particularly prominent during the trip organization, fostering trust and facilitating communication, especially among compatriots, through shared language, cultural ties, and religious affiliations (Gjurovski, Nikolovski, and Gerasimoski 2020, 23).

Criminal groups that commit the crime of smuggling migrants have a vertical structure with a clearly defined role for each group member - smuggler, cleaner, transporter, perpetrator, etc. The person who has the role of leader in the group is responsible for accepting the migrants after their illegal entry into the Republic of North Macedonia. The individuals with the role of cleaners in the criminal group have to identify patrols, controls, or potential police ambushes on the road through which the vehicles have moved and to notify the other members of the criminal group. For this purpose, members use mobile phone applications for making internet calls and sending messages, as well as mobile applications to determine GPS coordinates. Based on the notifications received regarding police patrols, the vehicles that transported migrants have changed or adjusted their direction of movement.

Based on the actions taken so far for detecting and combating criminal groups involved in migrant smuggling, it can be concluded that the smuggling of migrants from Greece to the territory of the Republic of North Macedonia begins with prior agreements with criminal groups from Greece. They plan how many migrants will be illegally transferred to the Republic of North Macedonia territory, at what time, in which way, and where they will be accepted. In most cases, migrants who were picked up near the border with Greece were transported to the border villages of the Municipality of Lipkovo - Lojane and Vaksince, from where the illegal crossing of the border between the Republic of North Macedonia and Serbia was organized, to continue to other countries in the European Union.

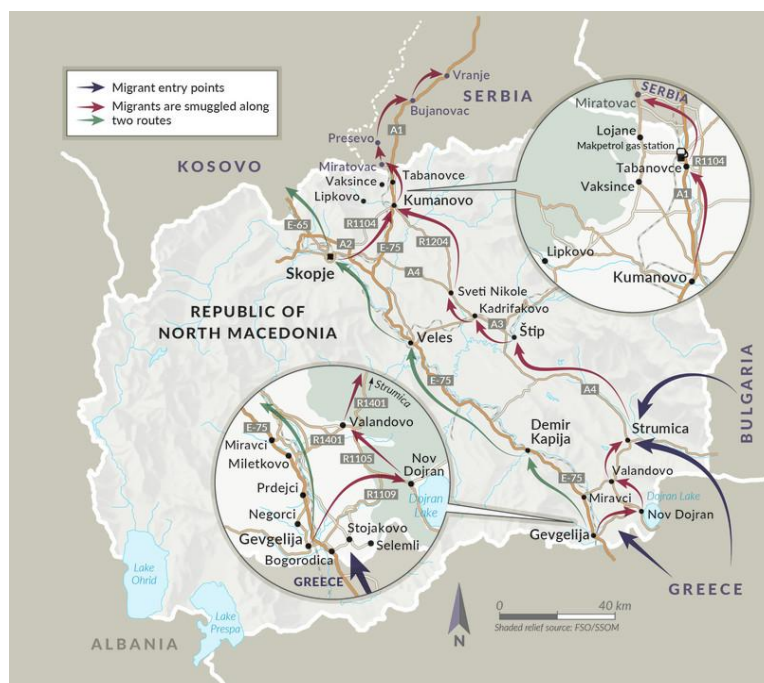
Criminal groups charge migrants with payment compensation for the services provided, which depends on various factors such as the number of persons being smuggled and the duration of the smuggling operation. According to statements from migrants injured in criminal proceedings, the compensation for smugglers ranges from 150 EUR to almost 1000 EUR. The payment method varies, including cases of advance payment or payment after reaching the desired destination or host country, often agreed upon in installments. Fast money transfer methods are also used, most commonly by the migrant's family residing in one of the European countries or the country of origin.

A significant challenge in the fight against smugglers is the appearance of migrants following instructions from the smugglers to illegally cross the border between Greece and the Republic of North Macedonia using vehicles without registration plates or rented vehicles obtained by the smugglers. Additionally, cases have been observed where the person responsible for transporting the migrants leaves in an unknown direction after receiving the advance payment, abandoning the migrants in the vehicle (Macedonian Association of Young Lawyers 2019).



## TRANSIT ROUTES OF MIGRANT SMUGGLING THROUGH THE REPUBLIC OF NORTH MACEDONIA

Live in an area that has always experienced various movements. The Republic of North Macedonia has been a crucial transit point for refugees and migrants, serving as a key Balkan route. This route has been used by humans, migratory birds, and even armies. In fact, during the Roman Empire, this road was known as *Via Militaris*. Adjacent to it is the *Via Egnatia*, which stretches from east to west. Migrants opt for this route due to its advantages of speed, cost-effectiveness, and safety (Figure 1). In North Macedonia, it follows the Vardar Valley, while in Serbia, it traverses the Morava Valley. Upon reaching the Danube, the route traditionally continues through Hungary. However, with Hungary's construction of a fence, the route has been redirected through the Sava River Valley, leading to Croatia, Slovenia, and Austria as alternative paths (Racaj, Nasufi, and Salju 2021, 324).



**Figure 1: Migrant Entry Points and Smuggling Routes via North Macedonia**  
(Source: Global Initiative against Transnational Organized Crime 2023)

Refugees and migrants entered the reception-transit center Vinojug in Gevgelija, near Greece's border. After registration and a short stay at the center, the refugees headed to the reception-transit center Tabanovce, where they crossed the border with Serbia near the village of Miratovac (Macedonian Association of Youth and Lawyers 2019). On the transit route from Greece to the Republic of North Macedonia, there has been an increase in the number of illegal migrants who utilize smuggling services. Many captured migrants were apprehended and immediately returned to Greece, while only a few were allowed to stay in the country and were accommodated in the Vinojug transit center. Following the border closure along the Balkan



Route in March 2016, smugglers rapidly started rebuilding migrant smuggling routes in the region. A significant portion of the migrant flows has been redirected through Albania, Bosnia, and Herzegovina towards Croatia and Bulgaria through Serbia towards Croatia. However, due to the geographical position of the Republic of North Macedonia, despite strengthened border control measures with Greece, some migrants have continued to transit irregularly through its territory, often with the assistance of criminal groups involved in migrant smuggling.

The most frequently used routes for smuggling migrants from Greece to the Republic of North Macedonia pass near the village of Moin, west of the Vardar River, and the villages of Stajkovci and Selemli, east of the Vardar River. These roads represent "clandestine" border crossings between the Republic of North Macedonia and Greece, but regular border crossings have also been utilized. The Bogorodica border crossing has been used to smuggle migrants into passenger and goods vehicles. At the same time, there have also been cases of migrant smuggling in passenger and goods trains at the Gevgelia railway border crossing. Smugglers also employ the Belasica mountain for the illegal crossing of migrants, who are then transferred to the Dojran area. Due to increased security measures at the unofficial border points, there has been a trend of increasing attempts to smuggle migrants through official border crossings using passenger and goods vehicles. As for illegal border crossings between the Republic of North Macedonia and Serbia, the most commonly used routes for irregular migration and smuggling of migrants pass through the region of the Municipality of Lojane - the green border from the village of Lojane to the village of Miratovac in Serbia, as well as the area around the village of Tabanovce in the Municipality of Kumanovo (Cvejic and Kitanov 2017).

### **THE CONTRIBUTION OF THE REPUBLIC OF NORTH MACEDONIA IN SOLVING THE CHALLENGE OF THE MIGRANT CRISIS AND MIGRANT SMUGGLING**

Illegal migration through mixed migration flows continues, while international criminal networks use the Republic of North Macedonia territory as a transit country, forming part of the Western Balkans corridor for smuggling migrants to their destination countries in the EU.

Currently, the situation in the Republic of North Macedonia is safe and stable. Border points with Greece and the Republic of Serbia are open, and there are no long waits than usual. The border sections where the transit of illegal migrants is observed are under reinforced control, ensuring optimal and unhindered passage following national and international norms and charters to protect human rights. In collaboration with national bodies, the Red Cross of the Republic of North Macedonia, FRONTEX, UNHCR, and other organizations, the Republic of North Macedonia provides humane treatment for illegal migrants within the limits of its capacities.

Since 2001, the Republic of North Macedonia has been developing its capacities to combat human trafficking and illegal migration following international standards. There are institutions with a broad scope of competence in this field, such as the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Political and Social Work, Ministry of Justice, Ministry of Education and Science, Ministry of Health, Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, as well as other competent institutions. At the same time, partnerships have been established and developed with civil society sectors involved in the

prevention, protection, assistance, support, and integration of victims of trafficking (for more information, refer to the National Strategy for Combating Human Trafficking and Illegal Migration of the Republic of North Macedonia 2021-2025).

A specialized coordinating body, the National Commission for Combating Human Trafficking and Illegal Migration (the Commission), was established in 2001. The Commission is headed by a National Coordinator appointed by the Government of the Republic of North Macedonia. The Commission was established to monitor and analyze the situation related to human trafficking and illegal migration, coordinate the activities of competent institutions, and organize cooperation with relevant citizen associations and international organizations. The Commission consists of 16 members delegated by the competent institutions, including representatives from the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Labor and Social Policy, Ministry of Justice, Ministry of Health, Basic Public Prosecutor for the Prosecution of Organized Crime and Corruption, a judge from the Basic Court Skopje 1, Ministry of Education and Science - Bureau for Education Development, State Labor Inspectorate, and Employment Agency of the Republic of North Macedonia.

Within the Commission is the Office of the National Coordinator (Official Gazette of the RM, No. 84, 5 July 2017), located within the Ministry of Internal Affairs and was established in 2007. The purpose of the Office is to provide technical and logistical support to the National Commission and the National Coordinator. Since 2009, the Office of the National Coordinator has been institutionalized.

The Secretariat is part of the National Commission, serving as the executive and operational body. Established in 2003, it comprises representatives from state institutions, international organizations, and citizen associations. The Secretariat includes members from international organizations, civil associations, and experts from government institutions, including representatives from the Ministry of Internal Affairs - National Unit for Combating Migrant Smuggling and Human Trafficking, Ministry of Labor and Social Policy - MKR, American Embassy, ICMPD, OSCE, IOM, UNHCR, GIZ, Regional Center - MARRI, Council of Europe Program Office, Macedonian Association of Young Lawyers, SOZM, citizens' association "Open Gate-La Strada", citizens' association "For a Happy Childhood", "Semper" citizens' association, and the Red Cross of the Republic of North Macedonia. The members of the Secretariat report on their work by preparing reports, analyses, initiatives, and recommendations. The Secretariat meets every three months and prepares reports, which are presented to the Commission.

There is also a Subgroup on Combating Child Trafficking within the Commission. It is chaired by the Head of the Department for Protection and Prevention of All Forms of Discrimination in the Ministry of Labor and Social Policy - MKR. Its members include representatives from the Ministry of Internal Affairs - National Unit for Combating Smuggling and Human Trafficking, CGRM - Ministry of Internal Affairs, American Embassy, ICMPD, OSCE, IOM, "Open Gate-La Strada" citizens' association, "For a Happy Childhood" citizens' association, "Equal Access" citizens' association, and the Deputy Ombudsman as a member/external observer. The activities of this body aim to prevent child trafficking, improve the protection of child victims, ensure their rights, and coordinate cooperation among interested parties.

The National Rapporteur in the Republic of North Macedonia was established in 2009 at the proposal of the National Commission. To enable the independent function of the National

Rapporteur following the recommendations of the Group of Experts for Action against Trafficking in Human Beings from the Council of Europe - GRETA, the Government of North Macedonia appointed a representative from the Office of the Ombudsman of the Republic of North Macedonia with a Decision approved on 1 December 2019. According to their mandate, the National Rapporteur is responsible for supervising general activities against human trafficking, collecting and analyzing data from relevant partners, monitoring and evaluating the implementation of the National Action Plan, drawing conclusions, providing recommendations for improving and advancing the fight against human trafficking concerning law enforcement, policies for better institutional response, and reviewing strategic objectives. The National Rapporteur also prepares an annual report (for more information, refer to the National Strategy for Combating Human Trafficking and Illegal Migration of the Republic of North Macedonia 2021-2025).

The National Unit for Combating Smuggling and Trafficking in Human Beings was created to enhance national capacities and improve the effectiveness of the police and prosecution in combating organized forms of smuggling and trafficking of migrants. The National Unit was officially established by signing a Memorandum of Cooperation in combating organized forms of migrant smuggling between the Ministry of Internal Affairs and the Public Prosecutor's Office of the Republic of North Macedonia on 03.01.2018. Its establishment aimed to enhance coordination and cooperation between the Ministry of Internal Affairs and the Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption of the Republic of North Macedonia in addressing crimes related to migrant smuggling and human trafficking.

The National Unit is led by a chief appointed by the Public Prosecutor of the Republic of North Macedonia from among the public prosecutors of the Basic Public Prosecution for the Prosecution of Organized Crime and Corruption. The chief is responsible for directing and providing instructions regarding the activities of the National Unit for the Detection of Organized Forms of Migrant Smuggling and Human Trafficking (for more information, refer to the National Strategy for Combating Human Trafficking and Illegal Migration of the Republic of North Macedonia 2021-2025).

To enhance national capacities in identifying victims and potential victims of trafficking, a Memorandum of Understanding was signed in January 2018 between the Ministry of Internal Affairs and the Ministry of Politics and Social Work to establish Mobile Teams. These Mobile Teams consist of a representative from the Center for Social Work, a police officer, and a representative from a citizens' association. The Mobile Teams aims to improve identification by proactively detecting and preventing human trafficking. They work with vulnerable groups, including victims of trafficking, to identify potential victims, conduct initial referrals, determine their identities, conduct early risk assessments, provide information on the possibility of including victims in assistance and support programs, and more.

In the Republic of North Macedonia, two facilities provide reception, shelter, and protection for foreign and local victims of trafficking in human beings/children and migrants: The Center for Victims of Human Trafficking and Victims of Sexual Violence and the Reception Center for Strangers. Additionally, two temporary centers have been established: The Temporary Center for Transit, located near the Bogorodica border crossing, close to the city of Gevgelia on the border with Greece, and the Temporary Center for Transit, located near the Tabanovce

border crossing with Serbia. These centers serve to receive, identify, provide medical assistance, and issue certificates for asylum. Furthermore, near the border with the Republic of Serbia, the Red Cross has set up a Temporary Point for Help and Support at the Tabanovce border crossing, which assists migrants who have traveled through the country and are crossing the border into the Republic of Serbia.

### **"SMUGGLING OF MIGRANTS" IN THE REPUBLIC OF NORTH MACEDONIA**

In this part, the criminal offense of "smuggling of migrants" was depicted from 2017-2021 (Table 2).

**Table 2: Criminal Offense Smuggling of Migrants during 2017-2021 (Source: MIA Annual Report 2017, 2018, 2019, 2020, and 2021)**

|                          | 2017 | 2018 | 2019 | 2020 | 2021 |
|--------------------------|------|------|------|------|------|
| <b>Migrant Smuggling</b> | 13   | 44   | 49   | 65   | 49   |
| <b>The Perpetrator</b>   | 36   | 62   | 96   | 92   | 77   |
| <b>Migrants</b>          | 212  | 891  | 1529 | 2723 | 815  |

For the smuggling of migrants, according to the available data, it can be observed an increase in the number of incidents in 2020 compared to the previous three years. In 2017, there were 13 reported cases, which rose to 65 in 2020. However, there was a decrease in 2021, with 49 reported cases. This indicates an overall increase in incidents from 13 in 2017 to 49 in 2021.

Regarding the number of perpetrators, there was an increase until 2020. In 2017, there were 36 perpetrators, which rose to 92 in 2020. However, in 2021, there was a decrease to 77 perpetrators. Comparing the figures from 2017 to 2021, there was an overall increase in the number of perpetrators from 36 to 77. Similarly, the number of migrants involved in these incidents also increased. In 2017, there were 12 migrants, which escalated to 2,723 in 2020. However, in 2021, there was a decrease to 815 migrants. Nevertheless, when comparing the figures from 2017 to 2021, there was an overall increase in migrants from 212 to 815 (MIA Annual Report 2017, 2018, 2019, 2020, and 2021).

**Table 2: Perpetrators Convicted for the Criminal Offense "Smuggling of Migrants" (Source: State Statistics Agency 2017, 2018, 2019, and 2020)**

| <b>Year</b> | <b>Convicted for the Criminal Offense "Smuggling of Migrants"</b> |
|-------------|---|
| 2017        | 50  |
| 2018        | 39  |
| 2019        | 59  |
| 2020        | 52  |

Regarding the persons convicted for the criminal offense of "migrant smuggling", according to the available data, we can conclude that in 2017 we had 50 persons convicted, with a decrease in the number to 39 persons convicted in 2018, while in the following year, namely in 2019, we have a significant increase in convicted persons, where the number reaches 59 convicted persons. While in 2020, we have a decrease in the number of people convicted

compared to the previous year, namely from 59 people convicted in 2019, the number has decreased to 5 people convicted in 2020.

Regarding the analyzed number of persons convicted from 2017-2020, the general finding is that the number of persons convicted of the criminal offense of "migrant smuggling" is on the rise, namely from 50 persons convicted in 2017, the number has increased to 52 people convicted in 2020.

## CONCLUSION

The smuggling of migrants is a criminal activity that involves the organization of illegal border crossings for people who need to leave their countries of origin but do not have the option of regular migration. Migrants may be escaping natural disasters, conflicts, persecution, or simply seeking employment, education, and opportunities for family reunification. They embark on often dangerous journeys that have no guarantee of successful completion.

Smugglers operate for profit and also facilitate the illegal stay of migrants in transit countries and at their destinations. The smuggling of migrants is a widespread and highly profitable form of organized crime. It is a common phenomenon in the Republic of North Macedonia. It is carried out by organized crime groups operating across national borders and in many countries worldwide.

The Republic of North Macedonia has enhanced its capabilities to combat human trafficking and illegal migration following international standards since 2001. There are several institutions with general competence in this field, such as the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Labor and Social Policy, Ministry of Justice, Ministry of Education and Science, Ministry of Health, and the Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, among others.

Based on the results of the official statistical data of the Ministry of Internal Affairs during the period 2017-2021, it has been established that the number of migrant smuggling is increasing, while according to the official data of the State Statistics Agency, the number of persons convicted for the offense criminal "migrant smuggling" is on the rise.

## Recommendations

Sufficient capacity must be ensured to effectively address the issue of migrant smuggling, including the adaptation of existing capacities and infrastructure developed in response to the migrant crisis. To further enhance prevention efforts and protect vulnerable migrants from falling victim to smuggling, institutions and civil society should maintain a presence in areas frequently used for illegal migration routes. Proactive measures should be implemented to identify potential victims.

The Republic of North Macedonia and its institutions must increase their efforts to protect the rights of refugees and migrants as guaranteed by the United Nations Convention and national legislation.

Preventive measures and activities, being the most effective means of reducing criminal offenses, should be consistently highlighted in the media and implemented. It is essential to

invest more in understanding the root causes of migrant smuggling and illegal migration through distributing educational materials and handbooks. Strengthening capacities, especially in the police force and the National Commission for Combating Human Trafficking and Illegal Migration, should be pursued through training, seminars, workshops, and raising public awareness. Long-term campaigns targeting young people, students, teachers, professors, and vulnerable groups are crucial to educating them about the dangers associated with these criminal acts.

To improve the detection of migrant smuggling in the Republic of North Macedonia, competent institutions should further strengthen international cooperation. This can be achieved by signing agreements and memoranda of cooperation with other governments and international organizations. Collaborations with FRONTEX and countries in the Western Balkans are particularly important. To detect new crimes related to migrant smuggling, the Ministry of Internal Affairs and the National Commission for Combating Human Trafficking and Illegal Migration of the Republic of North Macedonia should cooperate with other governments, establish joint investigative teams, exchange relevant information, and implement coordinated actions. The objective should be to combat international organized criminal groups involved in such activities.

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# SINO-CENTRAL ASIA RELATIONS: DISTURBANCE, DEPENDENCY OR DEVELOPMENT?

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**Abstract:** *Over time, China has emerged as one of the leading economic partners in Central Asia. After the disintegration of the USSR, China spread its influence and replenished the power vacuum left. The five Central Asian states embraced a partnership with the Belt and Road Initiative. Economic and connectivity opportunities were prioritized. However, these states faced socio-economic and political challenges during the pandemic due to weak internal structures. In the post-Covid era, China's presence in the region has once again spurred due to their dependence on Beijing. The paper will examine the Chinese footprint in Central Asia through border and trade relations, Xinjiang politics, and BRI policy. Second, implications of the economic, geopolitical, and social order after the pandemic. Third, how Central Asia is rebuilding itself from the domestic crisis, dependency theory will be used to investigate the multifaceted relations. The attempt is to answer if the Chinese presence brings sustainable development or increases dependence. The study shall conclude that Chinese presence requires a redefinition of the "status quo, sovereignty, and development" beyond economic interaction and cooperation.*

**Keywords:** *China; Central Asia; Dependency Theory; Covid-19; Development*

## INTRODUCTION

Over the decades, the metaphorical expression "The Great Game" has been used significantly or interchangeably to describe the power dynamic between Tsarist Russia and Great Britain in the 19th century over the anticipation of Central Asia's future. The region became an extremity of colonial rivalry in the early nineteenth century. The fight for control over a vast stretch of land, which was strategically important for control of resources and existing colonies between the Eurasian powers, reasoned from the early 19th century, which became known as "The Great Game". Sergeev (2013) argued that the Great Game was a multifaceted conflict, "a complex, multilevel decision-making, and decision-implementing activity directed by the ruling elites" of Britain and Russia (pp. 5-13). After the collapse of the Soviet Union and the subsequent end of the Cold War, Central Asia rose to significance. It established itself as a key determinant in the security arena for the People's Republic of China. There exists an establishment of scope between China's internal and external security, which has developed gradually from the point of agency and privilege. The independence of new republics in the Central Asian region brought out a phase of pragmatic reconstruction of developments in the international community.

Global powers can take advantage of Central Asia due to its strategic importance in connectivity, energy resources, trade markets, and proximity to other major countries and markets. Considering its security, political, and economic interests, China cannot overlook this

region; likewise, the United States cannot downplay or dismiss the significance of Central Asia. The Chinese presence and vision in the -stan nations can be called highly ambitious and powerful. China quickly escalated to position itself in the Central Asian market in the first half of the 2000s, focusing specifically on hydrocarbons, extractive industries, infrastructure, and communications. Lastly and most importantly, Beijing has been working extensively to develop strategies for promoting its language and culture and training Central Asian elites following the Chinese model since 2005. In terms of economic clout, it surpasses Russia but does not rank higher than in terms of strategic or cultural clout. It can be anticipated that the ever-increasing dominance of China politically, economically, and militarily in Central Asia, a region that Russia considered as its backyard historically, could give birth to tensions between the two nations for influence in the new world order. Another important phenomenon is that China and Russia appear to work together without many areas of contention, but this could alter in the post-Covid-19 era.

### THE DEPENDENCY THEORY AND PERSPECTIVES

The Dependency theory comes from the term *la dependencia*, which means dependence. The theory was developed in the late 1960s post World War II, in a quest to identify and analyze the lack of development in Latin America. One of the pioneers of Dependency theory, Theotonio Dos Santos, defines dependence as “a situation in which the economy of certain countries is conditioned by the development and expansion of another economy to which the former is subjected” (Santos 1970, 231-236). This theory broadly asserts the limitations imposed by the international political and economic structures to analyze economic underdevelopment. The hypothesis suggests that resources move from a periphery of undeveloped and poorer nations to a core of developed states, benefiting the latter at the expense of the former. Various perspectives can be derived from different schools of thought in understanding the increasing Chinese presence and growing dependency in Central Asia.

To begin with, the Prebischian school of thought under Raul Prebisch contended and theorized that, firstly, most of the dependent countries are the core producers of essential and primary commodities, the prices of which are highly dependent on the fluctuating international market. For example, Kazakhstan produces oil that contributes to most of its exports. A fall in the price of these products makes these countries dependent on the “core”, China. Over and above that, these countries do not possess any economic advantage for producing primary products since they are not the only producers in the global market.

Secondly, the inability of periphery nations to disintegrate their dependence on imported goods is also because they utilize their basic and primary resources to purchase manufactured and primary goods for consumption. For example, without the required industrial infrastructure in Kazakhstan, oil exports to China are low-grade, imported by China to cater to the needs of the country’s refined domestic oil and petrochemical manufacturing industry instead of for direct consumer use. This also implies that -stan countries depend on China for finished goods. In 2012, China and Kazakhstan formalized this with a duty-free deal for Kazakhstan to export crude oil to China for processing, which is then returned to the domestic market in Kazakhstan.

On the other hand, the Structuralists had a different view on analyzing the Dependency theory. The faction headed by Celso Furtado, Henrique Cardoso, investigated the shortcoming in the structure of the dependent on the periphery economies, in contrast to the Prebischians who emphasized external causes. The school studied the dependence of Latin American economies. It opined that their dependence resulted from their polity being controlled by the landed oligarchy, the military, and the nationalist bourgeoisie. For in-depth understanding, an example can be cited from the growing resistance in Kazakhstan, Uzbekistan, and Kyrgyzstan against China's growing hegemony. During the Covid-19 outbreak, the government focused on consolidating authoritarian power and regressive legal measures while neglecting the escalating economic and health crisis which hit the middle- and lower-income groups.

In addition, the Marxists, under the German sociologist Andre Gunder Frank, conflicted with the opinions of both the Prebischians and the Structuralists and propounded that dependency in emerging nations is a product of capitalism rather than any internal or external reasons as believed by the other two schools. Marxists use the center-satellite linkages to explain the core and periphery dependency. The states that make up the centers are the major economic powers, while the satellites are on the perimeter and orbit the center. For their economic survival, satellites are reliant and sometimes can also depend on centers, resulting in a dense web of dependency. For instance, in the capitalist environment today, China acts as a center for various Central Asian countries like Uzbekistan which further act as the center for Turkmenistan and then act as a center for Tajikistan, creating a dense web of dependency among countries.

### **CHINESE CAPITALISM IN CENTRAL ASIA: DISTURBANCE, DEVELOPMENT OR DEPENDENCY?**

The relations between China and Central Asia have been conditioned and nurtured with intense probes and research. Chinese presence can be seen and felt in every sense in Central Asia, and it has gradually emerged as one of the leading economic partners in the region. After the collapse of the USSR, China increased its influence in the region and replenished the power vacuum left by the Soviets like never before. China has not turned back regarding its presence and omnipresence in the region. There have been significant efforts from academia, the media, non-profitable organizations, and democratic nations to analyze the pros and cons of the Chinese capitalistic presence in Central Asia. Various perspectives have been put forth, accompanied by conjectures and assertions, regarding the Chinese presence in Central Asia, with some suggesting it as a form of "neo-colonization". In light of the contrasting optimistic and pessimistic perceptions surrounding China's engagement in Central Asia, it is essential to examine this phenomenon through the lens of Dependency theory critically. The analysis will encompass three key factors to ascertain the nature of Sino-Central Asia relations in terms of "disturbance, development, or dependency". While theorizing about China's presence in the region, careful consideration will be given to the numerous subtleties involved in this complex dynamic. Disturbance in the given context signifies the questions related to sovereignty and security.

The threat to weaker nations' security and sovereignty is in jeopardy in the current international order of sovereign states. The idea of sovereignty is not absolute or undivided.

Rather, an isolated, autarchic state never existed, surviving independently. The exercise of sovereignty is limited by international law and by the differential in the power of states. According to Robert Keohane, sovereignty was always treated and tweaked as a “bargainable resource” (Keohane 2002, 743-765).

Regarding sovereignty and security, Central Asian nations have not been significantly possessive or protective about their boundaries. Infrastructural advancement and expansion in the name of progress in the region have led to immense suspicion about the very existence of sovereignty in Central Asia. Murat Auezov, a Kazakh intellectual and politician, questions the credibility and legitimacy of Central Asian nations being sovereign and is highly skeptical over infringement on Kazakhstan’s sovereignty if security is enshrined in the ambit of Chinese enterprises rather than the domestic structures of law and order. Dan Burghart (2018), in his book “Central Asia in the Era of Sovereignty: The Return of Tamerlane?” talks about sovereignty in contrast with cooperation and writes:

We see most of the world becoming more centered on its individuals, and with a decline in globalization, Central Asia seems to have discovered the benefits of cooperation. But it seems, even though we’re talking about the Central Asian states in the era of sovereignty, to a surprising degree, they’ve been willing not to give up their sovereignty but to bend a little bit to achieve the benefits of cooperation within the region. That could be something interesting to watch in the near future.

Development is the most used and heard in our day-to-day lives, whether political or technological. It means a process of getting bigger and better. It also emphasizes evolving for the better. In the given context, it fits into the phenomena wherein Central Asian nations strive for betterment. China uses a bilateral framework to protect its economic interests, ensure energy security, and progress the Belt and Road Initiative (BRI). Tajikistan and Kyrgyzstan are more financially dependent on Chinese investments than other Central Asian nations, which Beijing might use to assert its power and presence. For the advancement of trade and investment cooperation between the states, China has by far concluded double tax treaties with these five Central Asian nations.

Dependency, as the term implies, denotes a state of reliance on something or someone for existence. It encompasses the act of relying on and the gradual erosion of self-sufficiency and autonomy. It systematically allows the “other” to shape or influence one’s state of being. Within the context of Sino-Central Asian relations, there is a discernible pattern of promoting development while fostering a sense of dependence. The essential question to be raised here is whether China’s presence in Central Asia can be viewed as detrimental to Central Asian advancement, “a manifestation of neocolonialism and dependency?”.

Through a critical lens of the dependency theory, the fundamental cause of disparity between the Global North and the Global South continues to exist and flourish because of their historical experiences, specifically colonialism and imperial forces that endured after decolonization. Two concrete linkages between China and Central Asia support the above claim. First, China did not interact with colonial forces, whereas Central Asia existed under Soviet colonialism; rather, they share a common past with -stan nations as it, too, faced several



challenges under Western imperialism. Second, China's relationship with Central Asia is of solidarity with -stan nations in recognizing their independence which essentially helped establish a new and thriving presence in today's extremely capitalist sense.

Dependency theory also points out the highly brutal trade interactions in the North-South and how the semi-periphery and periphery have been reduced to mere suppliers of resources, curbing each spark for industrialization. In the context of Sino-Central Asian relations, taking -stan nations in confidence is a significant Chinese move in its economic endeavor to shift its trade and energy sources from sea to land. On the contrary, such restricted and finite participation in Central Asia, narrow specialization, and vicious de-industrialization could destabilize society. Not only a turbulent social structure, but it would also gradually accelerate impoverishment and trigger exploitation of the lower and middle class.

Another connotation attached to the dependency of Central Asia on China in the name of advancement is the conflicting and contradictory nature of developmental projects, which do not necessarily promote the production of knowledge and skills but minimal wealth circulation to conceal any source of resistance. In addition, such developmental avenues provide a much-needed boost to corrupt classes and oligarchs who manage the revenue and forces facilitating cross-border trade and its wrongdoings. It is highly uncertain about coming to a stance and conclusion that might be paradoxical and confusing regarding state and being. However, whatever the pros and cons of the capitalist presence, China is Central Asia's most powerful and significant player. The sheer problem in solving the problem is the constant clashes between development and dependence and the blurred line between right and wrong.

## CHINA IN CENTRAL ASIA

Soon after the collapse of the Soviet Union, China was among the first countries to recognize Central Asian independence. In the early week of January 1992, Beijing began establishing its diplomatic alliance with the Central Asian countries; Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan and expanded its geopolitical and geo-economics influence among the Central Asia Republic (CARs) nations (Woods and Baker 2022). Soon after the 2001 China-Russia friendship treaty, Beijing gained an impetus to become one of Central Asia's stakeholders in economic and political development (Khan 2020).

In 2013, Chinese President Xi Jinping proposed the ambitious Belt and Road Initiative during his visit to Kazakhstan. This project, reminiscent of the historic Silk Road, encompasses land and maritime routes connecting China, Southeast Asia, Africa, and Europe. It aims to enhance regional integration, boost trade, and foster economic growth (Jle and Wallace 2021). China partly or fully funds the flagship projects in building ports, railway projects, power plants, 5G network plants, fiber optic cable, infrastructure, etc. Currently, the project is engaged in more than 144 countries. In 2021 a cumulative financial investment and contractual cooperation of USD 59.5 billion was made, out of which USD 13.9 billion was made through direct investments and USD 45.6 billion through contracts, which are partly financed by Chinese loans which have outrageously increased the dependence on China (Wang 2022).

The Belt and Road Initiative (BRI) represents a significant aspect of Chinese foreign policy, positioning China as a major player in the global market. China's keen interest in Eurasia



stems from the region's abundant raw materials and its role as a transit route for vital resources such as oil, gas, minerals, and rare-earth minerals. This includes the transportation of resources from the Middle East, rare-earth minerals from Afghanistan, natural gas from Turkmenistan, and oil and uranium deposits from Kazakhstan. The escalating tensions in the US-China trade war prompted Beijing to establish alternative avenues to access these crucial assets. Through substantial investments, Beijing has emerged as Central Asia's primary external partner, effectively addressing the region's political, social, and economic challenges. As a testament to its growing influence, President Xi Jinping recently hosted a gathering of five Central Asian leaders to commemorate the "30th anniversary of diplomatic relations" between China and Central Asia (Sidana 2022).

Regarding economic dependency, Beijing has adopted a hegemonic approach towards the developing nations of Central Asia, channeling billions of USD into their economies through infrastructure projects. With its deepening relationships with the five Central Asian countries, there has been a concerted effort to align projects and investments with the Belt and Road Initiative (BRI) soon after its launch. For instance, in Kazakhstan, China has invested approximately USD 19 billion between 2005 and 2020, with around 56 projects worth USD 24.5 billion slated for completion by 2023. China is Turkmenistan's largest trading partner in imports, and for Uzbekistan and Kyrgyzstan, it is the largest trading partner in exports. Notably, China has emerged as the primary source of Foreign Direct Investment (FDI) for the region, and trade volume between China and Central Asia has witnessed a remarkable increase of over 100 times in the past three decades. Furthermore, significant investments in landlocked regions have enhanced trade connectivity (China Briefing 2021).

Central Asia also plays a critical role in Beijing's pivot to Europe under the BRI. While Central Asia is a strategic priority for China, its economic interactions are guided by three main interests. First, the region's rich reserves of hydrocarbons and uranium. Second, a land bridge to European markets, cheap wages, and the government's willingness to give tax breaks. Before 2012, Beijing invested in transport infrastructure and fossil fuels. Trade in hydrocarbons increased rapidly while trade in other items remained moderate. Investments were focused on hydrocarbon extraction and pipeline construction. Policy banks like EXIM and CDB invested in transportation and power generation. However, around 2013-14 Chinese companies and investment agencies shifted their priorities in developing the export industry of the Central Asian countries.

Investments by Chinese companies prioritized capacity building in Central Asia, primarily driven by the relative ease of doing business in the region and the unexplored market potential. More recently, such a strategy has found renewed interest in an attempt to cull the local resistance against Chinese economic interactions. Beijing has also emerged as a major manufacturer and exporter of arms, providing services to Uzbekistan and Kazakhstan. In the case of Turkmenistan, Beijing supplies ground-based missiles, man-portable air defense systems, and armored and patrol vehicles. Additionally, Tajikistan has also benefited from Beijing's arms supply. According to the American Enterprise Institute, there has been a significant increase in Chinese investments and contracts with the -stan nations between 2013 and 2019. Beijing actively pursued strategic economic partnerships by trading and investing in neighboring countries.

**Table 1: Chinese Investment in -Stan Nations (Source: American Enterprise Institute n.d)**

| Countries    | 2013   | 2014   | 2015   | 2016  | 2017   | 2018  | 2019   | Total   |
|--------------|--------|--------|--------|-------|--------|-------|--------|---------|
| Kazakhstan   | 5300 M | 3220 M | 2620 M | 350 M | 3100 M | 420 M | 1850 M | 16.86 B |
| Kyrgyzstan   |        | 3790 M | 550 M  |       |        |       |        | 4.34 B  |
| Uzbekistan   | 460 M  | 890 M  |        | 150 M | 570 M  | 200 M | 630 M  | 2.9 B   |
| Tajikistan   |        |        |        | 170 M |        |       | 540 M  | 710 M   |
| Turkmenistan |        | 600 M  |        |       |        |       |        | 600 M   |

With China's expanding relations, several multilateral projects have been proposed to connect the Central Asian republics. Additionally, Central Asia serves as a transit route for Beijing to establish connections with Europe through new rail and pipeline networks. Notable examples of these transnational projects include the Kyrgyz-Uzbek-China railway and the KazTransGas line between Kazakhstan, Turkmenistan, and China. The latter is designed to deliver up to 1.0 billion cubic feet per day of natural gas to China for five years.

Political crossroads - China's priorities include promoting political and social stability in the region. Following the Soviet era, China faced challenges regarding unsettled borders with Kazakhstan, Kyrgyzstan, and Tajikistan, contributing to a tense relationship between Beijing and Moscow. Currently, China shares a land border of 1,700 km with Kazakhstan, 1,063 km with Kyrgyzstan in the western region of Xinjiang, and 1,300 km with Tajikistan, which shares its southern border with Afghanistan. Importantly, these countries have no major border disputes (Prashar, Sen, and Aripaka 2020). China has sought to develop its relations with Central Asia through cooperation on various aspects of common interest, including infrastructure, connectivity, trade, investment, and resources. Between 2000 and 2017, the People's Republic of China (PRC) made 722 official visits to provincial and republican authorities in the region. However, due to changing political discourses in the -stan nations, intermittent bouts of upheaval have been observed, which have impacted the bilateral ties with some of these countries.

Kazakhstan - In 2016, the Kazakh government amended the code, allowing foreigners to rent land for 25 years. According to the Bureau of National Statistics of the Agency for Strategic Planning and Reforms, Kazakhstan's trade turnover in January 2016 reached USD 1.4 billion, a significant increase of 53.4 percent compared to the previous year. Out of this, Beijing accounted for 16.1 percent (Assaniyaz 2022). The relationship between China and Kazakhstan is also considered crucial for Beijing's positioning in the region, with over 1,500 Chinese operating units present in the country as of March 2019 (Grant 2019).

As Chinese investment increased, social unrest grew, leading the government to ban foreign land sales in 2021 due to strong public opposition. There have been widespread protests regarding the increasing presence of Chinese workers in the job market and concerns over the Xinjiang issue, revealing opposing political inclinations towards China among Kazakh nationals. Last year, protests in Oral, Shymkent, and Aktobe erupted in response to the mass incarceration of Turkic-speaking communities in Xinjiang, causing significant unrest. On the 300th day of the protests, demonstrators gathered outside the Chinese consulate, demanding freedom for the Turks in Xinjiang.

Kyrgyzstan - was among the earliest supporters of China's initiative. In 1992, Beijing and Kyrgyzstan established diplomatic ties amid contestation over the border demarcation. The

border agreement was formulated in 1999 and ratified in 2002. Based on the deal, Kyrgyzstan lost around 32 percent of the land to Beijing, with a continuous dispute which lasted till 2009. Both Sino-Kyrgyz signed a new treaty by which Beijing ceded Khan Tengri mountain, whereas Kyrgyz had to let go of the Uzengi-Kush region (China Briefing 2021).

Uzbekistan - In 1992, China and Uzbekistan signed an Economic and Trade Agreement, granting each other the Most-Favored Nation (MFN) status. Following the rise of President Shavkat Mirziyoyev to power, there has been a notable increase in Chinese investments in Uzbekistan, a departure from the policies of former leader Islam Karimov. Unlike Kazakhstan and Kyrgyzstan, Uzbekistan does not share a border with China. However, despite the increasing investments, there has been a growing social skepticism towards China. In 2020, the percentage of Uzbeks expressing strong support for China declined from 65 percent to 48 percent (Sajjanhar 2021).

Turkmenistan - seen as a long-term strategic partner by China, maintains a mutually supportive relationship to advance bilateral ties. Turkmenistan has followed a development path based on the Soviet model, relying on its vast reserves of energy, oil, and gas fields. China has emerged as the primary trade and economic partner for Central Asia. The General Agreement on Gas Cooperation (2006) solidified the gas transit connection, breaking the Russian monopoly on Turkmen exports (Meena 2022). Except for Turkmenistan, China maintains a positive trade balance with all Central Asian nations. This is primarily due to Turkmenistan's high level of self-sufficiency in meeting basic daily requirements, energy, and food, and its relatively limited import volume, resulting in minimal involvement in the global supply chain. Furthermore, over 90 percent of Turkmenistan's exports stem from its abundant mineral and energy resources.

Tajikistan - was one of the first countries to sign a cooperation memorandum with China's Silk Road Economic Belt (SREB). In early 2011, Sino-Tajik border issues were resolved through an agreement involving Tajikistan ceding 1100 square km of land in the Pamir mountains to Beijing. According to the Central Asia Barometer (CAB) survey, conducted bi-annually to measure the socio-economic and political impact of foreign countries in Central Asian nations, public sentiment towards China has been growing increasingly negative from 2017 to 2021. Concerns have arisen due to the expanding energy infrastructure and competition for jobs. Countries in the region also fear falling into a "debt trap" as China's funding lacks transparency (Baker 2022).

## **POST-PANDEMIC RESILIENCE: A REVIVAL IN THE SINO-CENTRAL ASIA RELATIONS**

Central Asia countries faced new challenges at socioeconomic and political levels after the spread of Covid-19. Initially, Central Asia remained virus-free, but in March 2020, Kazakhstan reported its first cases, followed by Uzbekistan, Kyrgyzstan, and, lastly, Tajikistan. For a long time, Turkmenistan remained off the chart, "occupying a state of complete denial regarding Covid-19" (Putz 2022). Central Asian countries lacked basic healthcare and testing capacity. Covid-19 took a toll on the longstanding governance and structural issues. Its weak governing structure and the political problems before the pandemic amplified. The authoritarian levers of power proved to be weak and incapable of enforcing safety measures for the public amid the pandemic.

Remittances are a big part of Central Asian economies. Russian remittances account for 30 percent, 28 percent, and 12 percent of Tajikistan, Kyrgyzstan, and Uzbekistan's GDP (Khan 2020). However, remittances fell amid pandemic-induced travel restrictions, lockdowns, and disruption of trade, diminishing household incomes. With the disruption of trade and economic activity due to the pandemic, energy exports fell as demand tanked. In the first half of 2020, trade from Kazakhstan declined by 7.4 percent compared to 2019. Economic slowdown decreased the natural gas trade from Central Asian nations, and China issued a forced majeure in March 2020 to its suppliers in Kazakhstan, Turkmenistan, and Uzbekistan. While economic activity slowed down, the oil-dependent economies of Central Asia, with little diversification, were weakened.

Further, oil prices fell as agreements between OPEC+ faltered, plummeting revenues from oil and dragging down the revenues from other commodities. The mounting challenges of the pandemic pushed ill-equipped Central Asian nations further into China's sphere of influence. China extended short- and long-term economic assistance to help Central Asian nations face the pandemic and its economic consequences.

With the spread of the Covid-19 virus, Beijing released a White Paper on China's battle with Covid-19. The document said the world faces an "unknown, unexpected, and devastating disease" against which China's measures to prevent and control its spread proved efficient. Beijing shared knowledge from its early successes in handling Covid-19 and advised Central Asian states. The White Paper also highlighted China's transparency and containment efforts against the pandemic (National Health Commission of the People's Republic of China 2020). Beijing's "Covid-19 diplomacy" provided monetary aid, medical and financial assistance to these Central Asia states. Chinese humanitarian aid to Kazakhstan amounted to \$10 million in 2020 and delivered thermometers, test kits, protective equipment, and other critical care medical equipment, including ventilators. China also used regional organizations and international companies to extend Covid-19 relief. China's Alibaba sent several rounds of medical cargo aid to countries in Central Asia. SCO and Alibaba co-hosted a medical seminar that connected Chinese doctors with SCO counterparts amid the pandemic and promoted "the digital response to Covid-19" (Zhiyenbayev 2022).

In order to improve its geopolitical foothold and growing influence in the region China continued its proactive policy in Central Asia. China's early recovery enabled the country to largely resume purchases of Central Asian energy exports. Beijing and its AIIB have also negotiated billions of loans to Kyrgyzstan and Uzbekistan. Moreover, amid Covid-19, China's connectivity projects like BRI offered opportunities for trading and overcoming internal issues of the states. In a conference, Arne Elias Corneliussen said: "Covid-19 does not change China's rationale for the BRI. In fact, Covid-19 will only cement and strengthen China's willingness to push forward with the BRI in the long term" (Institute for War and Peace Reporting 2020).

In a demonstration of the significance of Central Asia in China's strategic considerations, President Xi Jinping made his first foreign trip in two years since the outbreak of the pandemic in September 2022. He visited Kazakhstan before the Shanghai Cooperation Organization's annual summit in Uzbekistan (Putz 2022). Prior to Xi's visit, Aibek Smadiyarov, spokesperson for the Kazakh Foreign Ministry, stated: "The uniqueness of this visit is that Kazakhstan is the first country that the Chinese leader will visit since the start of the pandemic. For us, for Kazakhstan,

this is a great honor. We hope the visit will be held at a very good and high level" (Kazakhstan explains the uniqueness of Xi Jinping's visit to Nur-Sultan 2022).

China's relationship with Central Asia has emerged stronger in the aftermath of the Covid-19 pandemic, as it counterbalances the interests of other major powers in its strategic backyard. On the one hand, China views Central Asia as a platform for reestablishing its influence in the region after the setbacks experienced during the pandemic. It also showcases its commitment to global initiatives. On the other hand, the United States has taken a less active role in Central Asia, offering limited alternatives to the Central Asian republics and redirecting its focus towards addressing domestic issues. The US foreign policy has also shifted towards the great power competition in the Indo-Pacific region.

The post-pandemic challenges faced by Central Asian states are the great power competition between powers like China, the US, and Russia that see Central Asia as a strategic backyard. This has provided the region with a conducive environment for geopolitical competition. Further, the Russia-Ukraine war and China's tacit alliance with Moscow are newer geopolitical realities of international politics with ramifications for Central Asian nations' foreign policy agenda. Despite changing dynamics, post-pandemic Central Asian nations seek continuous support across sectors, including energy and infrastructure, and economic headwinds of contemporary geopolitics push Central Asian nations closer to the look for relief in China.

## CONCLUSION

It is insufficient to conclude by singling out only one aspect among disturbance, dependency, or development when examining the evolving dynamics of contemporary Sino-Asia relations. This association is highly complex and dynamic, continuously influencing and being influenced by the parties involved. Following the two years of the Covid-19 pandemic, the world has undergone significant changes, with emerging geopolitical and economic realities. The weakened socio-economic conditions have once again intensified countries' dependency on China, further accumulating diverse debts in the -stan nations. As the lending approach binds them to the exploitation of natural resources, the Belt and Road Initiative assume a significant role in establishing China's strategic foothold and influence in the region compared to Russia and the United States. In the forthcoming years, Beijing's involvement is expected to expand as it further seeks to develop the BRI in Central Asia. Moreover, the ongoing relations in Central Asia continue to assist Beijing in addressing challenges related to Islamic extremism and countering support for Uyghur extremist groups, facilitated by the region's geographical connectivity with these -stan nations.

China's timely increase in post-Covid-19 engagement with Central Asia, to counter both Russia and the US engagement, was significant to safeguard its influence as great powers look at Central Asia as a major enabler in their economy due to its geographical positioning and energy reserves. Moreover, with Beijing's increasing economic influence in the region, it is not easy to imagine development or economic recovery without China's cooperation.

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# SECURITIZATION OF PIPELINE: THE UKRAINE CRISIS AND THE ROLE OF THE NORD STREAM IN THE POLITICAL AND SECURITY RELATIONS BETWEEN RUSSIA AND THE EU

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**Abstract:** Drawing on the theoretical framework of the Copenhagen School of Security Studies, the paper's aim focuses on the role of the Nord Stream pipeline in the Russia-EU political and security relations, considering its securitization following the Ukraine crisis and Russia's military intervention against this country. The paper, utilizing the comparative analysis method and securitization theory, argues that in the past, the Nord Stream pipeline significantly contributed to maintaining friendly relations between Russia and the EU, assisting the two parties in determining foreign policy positions and flexibility. However, following the Ukraine crisis and the subsequent development of mistrust and increased military threats, this pipeline has lost its position and stabilizing role, and it no longer fulfills its previous function of fostering relations between the EU and Russia. The paper concludes that after the Ukraine crisis, it became securitized, and rather than holding a constructive role, it has adopted a threatening role for the EU and its Western allies, especially the US.

**Keywords:** Nord Stream Project; Securitization; EU; Russia; Ukraine Crisis; Political-Security Relations

## INTRODUCTION

Due to the increasing growth of population and industries, natural resources, especially energy, are very important for survival and economic development. Many countries worldwide, especially industrialized and advanced countries, have focused on how to supply natural resources, and to this end, they continuously establish policies and strategies. In other words, the industrialized and advanced countries, or the so-called developed countries, are under severe competition for easy access to natural resources, and one of their important priorities in their foreign policy includes how to provide energy. Among the various natural resources, energy (oil and gas) is undoubtedly more useful and important for survival and economic development. Hence, energy exporting and importing countries exploit energy export or import to the maximum extent to reach their economic and political goals. In other words, countries try to keep their political and security interests through energy trade. Therefore, at present, the issue of energy and its supply process, in addition to the economic dimension, has gained important political and security dimensions for exporting, transmitting, and importing countries. The process of exporting Russian gas to the European Union (EU), known as the Nord Stream project, is divided into two parts, Nord Stream 1 and Nord Stream 2.

The Nord Stream 1 pipeline, which started operation in 2011 with a capacity of 55 billion cubic meters per year (De Jong and Van de Graaf 2021), has always been one of the fundamental and challenging issues in the field of political economy and international relations, considering global competitions and the intertwining of politics and economy. As the biggest exporter and consumer of energy, Russia and the EU (Siddi 2022) have established close relations and economic interactions during the operation of the Nord Stream project, which suggests their interdependence. Thus, the Nord Stream project, which governs the largest energy economic relations, is very important. Nevertheless, despite its great importance, this project has faced many ups and downs due to political changes, especially the crisis in Ukraine. After a short time, this pipeline was securitized by the US and a few nations as security actors. Now, after Russia's military action against Ukraine, it has been securitized by all European countries, including Germany.

Considering the economic importance of the Nord Stream pipeline, it was assumed that political and security events could not harm this project, enabling improved peaceful political and security relations between Russia and the EU. However, Yanukovich's refusal to sign an EU association agreement resulted in the 2014 Ukraine crisis, raising doubts about the efficiency of the Nord Stream project under Western sanctions. Russia and some EU Member States, including Germany, attempted to improve the security of this project, so its Western allies continuously criticized Germany. The Russian military attack on Ukraine on 24 February 2022 caused part of this project (Nord Stream 2) to be suspended under the new Western sanctions imposed against Russia.

Contrary to expectations, Nord Stream not only failed to regulate and strengthen the peaceful and interactive relations between Russia and the EU based on the theory of interdependence but also, due to political changes, especially the Ukraine crisis and Russia's military attack on this country, it was seriously damaged. Following Russia's military action against Ukraine, the Nord Stream pipeline was completely securitized and was considered the main source of threats or aggressive behavior of Russia in Ukraine. At present, due to the efforts of the EU to find alternative ways to supply energy, this project encounters serious doubts. Some thinkers believe that under the sanctions of the US, if the EU could satisfy its energy needs via other ways, especially through renewable energy sources, it would reduce its economic relations with Russia to the lowest level and may no longer export gas via the Nord Stream pipes. Given the increasing political tensions between the West and Russia due to the war in Ukraine, Russia has reduced its gas supplies to Europe in several stages. It has cut it off through the Nord Stream 1 pipeline for some time. Accordingly, despite the huge investments and the expectations about the Nord Stream project, it is exposed to uncertainties and is considered a threat to European countries after securitization. Drawing on the theoretical framework of the Copenhagen School, this study emphasizes that the Nord Stream pipeline was affected by the Ukraine crisis and no longer contributes positively to Russia-Ukraine relations.

## THEORETICAL FRAMEWORK

This study focused on the securitization of the Nord Stream pipeline and its effect on the political and security relations between Russia and the EU. Thus, the theoretical framework of the Copenhagen School is used, which specifically addresses securitization and de-securitization, providing complete and necessary explanations for this issue. The Copenhagen School in security studies performs a scientific, dimensional, and extensive study of security, shifting away from its narrow military dimension. This school is built on the theorization of many thinkers in the field of international politics, including Barry Buzan and Ole Wæver, in collaboration with the Copenhagen Institute for Peace Studies (McSweeney 1996). It was founded at the end of the Cold War with the publication of the book "People, States, and Fear" in 1983.

Along with the publication of numerous works and theories of other thinkers, this school of thought was further developed and currently seems to be an unrivaled and comprehensive theory in the field of security issues. Bill McSweeney, one of the thinkers of this school, was the first to use the term "Copenhagen School" concerning the works and perspectives of Barry Buzan et al. (1998). This term is also associated with Copenhagen, where research on this school of thought is conducted (Buzan 2008, 10). The Copenhagen Peace Research Institute significantly contributed to the publication and evolution of this theory.

After the Cold War, the Copenhagen School theorists significantly attempted to develop a broader framework of security issues, deviating from the limited framework of the countries' military relations. They analyze security at various levels (national, regional, and global). Based on this theory, national security is related to the internal policies of countries; regional security analyzes the politics and function of regional powers; and global security mainly addresses the role of great powers in international relations. To examine security issues, this school mainly concentrates on regional security (Buzan and Hansen 2009, 10). While doing the security studies with the aim of analysis and development, this theory, while keeping the main and key elements of security (threat and survival), proposed other fundamental concepts under the term "securitization" and "de-securitization", which constitute the main themes in the Copenhagen School.

The Copenhagen School is grounded in multi-level and multi-dimensional views of social, political, and security phenomena. It does not focus too much on material elements, nor does it emphasize purely mental elements. Like the constructivist theory, this theory is formed in society and builds on inter-subjectivity. For Barry Buzan, the securitization of issues is not determined only by the securitizer but also relies on the audience of the speech act; hence, the phenomenon of security is neither based on the objectivity nor the mind but constitutes an inter-subjective issue (Buzan and Wæver 2009).

Following the Cold War and numerous changes in the international order in various fields, along with the emergence of new non-state actors and security phenomena, the traditional theories of security studies could no longer explain and analyze events. The emergence of terrorism, organized crime, social conflicts, cyber threats, migration, and environmental issues demanded the need for an alternative theory, yielding the emergence of the Copenhagen School as a novel approach that aims to explore and expand the security concept (Kaunert and Yakubove 2017, 31). While addressing different areas or security aspects,

the Copenhagen School mainly focuses on the process of securitization and de-securitization, which serves as key concepts of the Copenhagen security school in the analysis of security issues and the securitization of economic, social, and environmental issues. The main three faces of securitization are a political agency, audience, and context (Balzacq 2005). In general, securitization can be defined as a process in which the security actors introduce an issue into the security discourse through the language and expression of the issue. Based on the contextual factors and the facilitating conditions provided by the functional actors, mainly the media, this process is evolved and finally accepted as a threat by the audience. During this process, objectivity is not important, but rather the acceptance of the threat by the audience and the public mind is important. Securitization takes an objective or subjective issue out of normal politics and brings it into emergency politics (Balzacq et al. 2016; Roe 2008).

The securitization process, which enters into the security discourse by the security actors (governments, political groups, party leaders, and the media) and is accepted by the audience (the general public) as a threat under certain conditions, is not without concerns for Copenhagen theorists. The Copenhagen thinkers attach particular importance to filling the gaps in security studies and their management. They have always raised concerns about the securitization of the issues that weaken national, regional, and global security. It is worth noting that the securitization of issues not only targets the military aspect but drawing on the Copenhagen School, different closely-intertwined dimensions, including political, sociocultural, economic, military, and environmental factors, are involved.

Therefore, their broad and multi-dimensional meaning should be considered when discussing security and securitization. The Copenhagen School, as a successful school with a good acceptance of the culture and thought of international relations, utilizes securitization and de-securitization concepts to analyze and resolve new security issues and phenomena such as terrorism, transnational crimes, immigration, AIDS, etc. (McDonald 2008, 45). That is, securitization and de-securitization, which constitute the key concepts of the Copenhagen School, involve broad social, military, political, economic, and environmental dimensions and are used in dealing with various issues concerning security. As mentioned earlier, soon after its operation began, the Nord Stream pipeline was securitized by the US and EU Member States due to the Ukraine crisis, the annexation of Crimea, and especially the Russia-Ukraine war. Following the securitization of Nord Stream, rather than assisting in establishing friendly relations, it is considered a threat to European countries which could weaken political and security relations.

### **THE NORD STREAM PROJECT: ENERGY FOR THE SAKE OF GOOD**

The Nord Stream pipeline was designed to transfer Russian natural gas to the EU through the Baltic Sea (Balaz et al. 2020). It is of great economic and commercial importance for Russia and the EU and consists of Nord Stream 1 and Nord Stream 2.

Nord Stream 1 was started in 2010 and completed in 2012. Due to the increasing demand of Germany and the EU for Russian gas, the Nord Stream 2 project was designed with a similar capacity to Nord Stream 1 in 2018 to increase gas transmission. Nevertheless, before its completion, it was suspended due to political conditions, especially the Ukraine crisis and



Russia's military action against this country. Following the escalation of the Ukraine crisis in 2014, the cooperation between Russia and the EU significantly weakened and shifted towards conflict and confrontation (Siddi 2020). Moscow's military intervention in Ukraine has reduced trade and economic relations between the European Union and Russia, especially in the energy security sector. However, the Nord Stream project became problematic in EU and Russia relations after the military intervention.

## **Nord Stream 1**

The Nord Stream 1 pipeline is a project that transfers Russian natural gas with a capacity of 55 billion cubic meters of gas per year through the Baltic Sea to the EU (Balaz et al. 2020, 4). It is a Russian-German project that President Putin and the prime minister of Germany in 2005 jointly planned. The construction of the project's first line was scheduled in 2010 and commissioned in November 2011, but the project was completed in 2012. The Nord Stream 1 pipeline, with a capacity of 55 billion cubic meters per year, stretches 1,222 km from Vyborg in Russia through Baltik to Lubmin near Greifswald. The total investment in this project is about 7.4 billion Euros, the main shareholder of which is Gazprom company of Russia, holding 51 percent share, and the rest of its share belongs to other companies, including Wintershall (Wood and Henke 2021).

From 2011 to 2013, the project significantly increased energy exports from Russia to the EU. However, the full capacity of this project was hindered by a lack of consensus regarding how the third party would utilize the imported gas. In 2014, about 33.9 billion cubic meters of gas were transferred to Germany through Nord Stream 1 (Chikhladze 2022, 43), and this pipeline increased the transport of Russian gas from 27.5 billion cubic meters to 55 billion, yielding positive effects on the development of EU industries. Therefore, Nord Stream 1, which until then had not been securitized under the political conditions of Ukraine and US-Russia tensions, gained importance for both the EU and Russia. Considering that Nord Stream 1 provided advantages regarding the convenience of transferring Russian gas to the EU, the idea of designing the Nord Stream 2 project was formed.

## **Nord Stream 2**

After the Ukraine crisis in 2014, the major argument between Russia and the EU was how to secure energy (Chikhladze 2022). Accordingly, given that the Nord Stream 1 project served as a successful project to strengthen the security of energy supply and increase commercial Russia-EU relations, especially with Germany, the Nord Stream 2 was designed and started operating in 2018. The Nord Stream 2, possessing two natural gas pipelines, runs through the Baltic Sea almost parallel to Nord Stream 1, from Ust-Luga, Russia, to Lubmin, Germany. This pipeline is 1,200 kilometers long and, similar to Nord Stream 1, has a capacity of 55 billion cubic meters of gas per year. In 2019, approximately 28% of the total Russian gas exports to Western and Central Europe were conducted through this pipeline (Sziklai, Kóczy, and Csercsik 2020). If this project had been completed as scheduled in 2020-2021, Germany would have received reduced gas from the Czech Republic, Slovakia, Ukraine, and Poland (Goldthau 2016). The primary



shareholder of this project is Gazprom, the Russian gas giant. At the same time, five other companies, including Germany's Wintershall, France's Energy, Austria's OMV, the Netherlands' Royal Dutch Shell, and the United Kingdom, collectively hold nearly 50 percent of its shares (Pifer 2021). Nord Stream 2 was launched when tensions between Russia and the US intensified due to Ukraine. This project would also ensure the energy security of the EU and completely bypass Ukraine, eliminating Russia's need and dependence on Ukraine for gas transmission. Therefore, the US and many other European countries, which did not need much Russian energy, were against the launch of this project. The opposition from the United States and certain European countries resulted in the securitization of Nord Stream 2, consequently impacting Nord Stream 1 as well. The completion of Nord Stream 2, originally slated for 2020, faced delays until 2021 due to American opposition (Jacobsen 2021). In 2021, the project did not commence operations for political reasons and was officially suspended following Russia's military attack on Ukraine.

## **RELATIONS BETWEEN RUSSIA AND THE EU: FROM ENERGIZATION TO POLITICIZATION**

In the early 1990s, drastic political changes occurred in the region and worldwide, the most important of which was the fall of the Berlin Wall and the collapse of the Soviet Union, leading to the end of the Cold War. The collapse of the Soviet Union provided further opportunities for friendly relations between Russia and the EU. At the end of 1991, the dissolution of the Soviet Union led to the establishment of close ties between the Russian Federation, the EU, and the US (Kanet 2009).

The relations between Russia and the EU underwent fluctuations following the collapse of the Soviet Union. This period of change gave rise to new identities while simultaneously reducing previous conflicts between Russia and the EU. In the aftermath of the Soviet Union's collapse, the multifaceted Russia-EU relations encompassing politics, economics, security, science, and culture can be examined and understood through two lenses: conflict and interaction. Despite notable disagreements and competition, these relations were characterized by significant shared needs (Tocci 2020), necessitating extensive cooperation and interaction across various domains. Overall, the relations between Russia and the EU developed after the Cold War and the collapse of the Soviet Union, once they signed the "Partnership and Cooperation Agreement", which aims to develop political, economic, and cultural relations, as well as economic and commercial growth, enhance readiness to cope with threats and remove restrictions. Following this, in 1999, Russia's strategic partnership with Europe was approved, yielding strengthened relations. The main goals of this joint partnership were the EU's investment in Russia and the expansion of Western values in Russia. However, Russia aimed to enhance access to a common European economic space and markets (Cronberg 2003, 95-96). This led to the expansion of relations in various political, economic, and security dimensions, with the economic dimension being wider than other dimensions (Golunov 2013).

At the St. Petersburg summit in May 2003, Russia and the EU committed to further strengthening their cooperation in four areas: economic, political, and security, ensuring freedom and human rights, and scientific and research cooperation. In 2008, they designed a comprehensive framework reflecting their extensive cooperation and binding commitments in

various economic, political, security, commercial, and cultural fields. In 2010, the EU and Russia launched a partnership modernization partnership program, which reflected their extensive ties in various fields (House of Lords 2015).

After 2014, the internal conflicts in Ukraine harmed the relations between Russia and the EU. The tensions between Russia and the EU are not only related to this period. Earlier in 2004, challenges and opposition increased with the development of the EU and the North Atlantic Treaty Organization (NATO) and the EU's support for the Orange revolutions in Ukraine and some other countries. However, during the Ukraine crisis, these tensions reached the maximum level. In 2014, due to the street protests in Kyiv Square, Yanukovich was swiftly ousted from office, leading to the installation of an interim government until a democratically elected government could be established (Lichtenstein et al. 2019). According to President Putin, these developments at that time were against the internal laws of Ukraine and showed direct interference from the West. The fall of the Ukrainian government under the leadership of Yanukovich happened just when he opposed the West, and the West, especially the EU, encouraged many Ukrainian political parties and extreme nationalists to demonstrate against the government. These demonstrations finally turned violent in February 2014. Subsequently, the Ukrainian parliament, influenced by pressure from the US, the EU, and the UK, an EU Member State at the time, dissolved the Ukrainian government and implemented an interim government until early elections could be conducted (Ramicone et al. 2014).

The fall of the Yanukovich pro-Russian government made Russia more sensitive to the West. The EU created the mentality that the West, supported by the US, attempts to expand its sphere of influence in the East and the buffer zones through NATO and the EU. It seeks to integrate Ukraine, which possesses an excellent geopolitical position, into NATO. This was considered a big threat to Russia's national security; therefore, President Putin tried to prohibit the integration of Ukraine into NATO and make integrating that country into the EU costly (Richter 2022; Tsygankov 2015). In order to maintain political, security, and economic relations and strengthen regional stability, Russia first asked the West for an assurance not to integrate Ukraine into NATO, but the West rejected Russia's request. Subsequently, in a preventive measure to prevent Ukraine from joining NATO and the EU, Russia annexed the Crimean Peninsula to its territory through a referendum on 16 March 2014 (Olech 2019).

Russia's annexation of the Crimean Peninsula, which holds significant geopolitical importance for Russia and the West, caught the Western countries off guard. This unexpected move intensified tensions between Russia and the West, marking an unprecedented escalation since the end of the Cold War. Russia's aggressive actions in Ukraine prompted swift condemnation from the Western nations, followed by extensive and stringent sanctions against Russia (Kuzio 2018). To isolate Russia socially, the West declined Russia's invitation to the first summit of the Group of Eight (G8), leading to the group's rebranding as the Group of Seven (G7). While weakening Russia's ties with the EU, these measures further fueled the country's expansionist and invasive tendencies, increasing its reliance on military options. Although after the Cold War, Russia-EU relations were strengthened and significantly developed until the late 1990s, due to political and security factors, these relations gradually faded and became strained and aggressive after the Ukraine crisis and the annexation of Crimea to Russia. The repercussions of these tensions were felt in the Nord Stream pipeline and energy exports,

leading to concerns about this project's dynamics and economic significance (Foxall 2019; Harris 2020). However, the securitization of the project and the Russian military attack on Ukraine on 24 February 2022 further exacerbated doubts surrounding its viability. Consequently, Russia-EU relations experienced a significant deterioration in political and security dimensions and economic aspects, marking the most strained period since the end of the Cold War.

## **SECURITIZATION OF THE NORD STREAM**

According to the Copenhagen School, the process of securitization and de-securitization involves several dimensions in a strong and close relationship with each other and cannot act separately. In the context of economic securitization, the close and undeniable link between the economic and military dimensions becomes apparent. When an economic issue undermines military power, it can threaten the government's survival and the system's overall stability. Likewise, military and political issues can securitize the economic dimension, rendering it devoid of economic value and significance.

The securitization of Nord Streams 1 and 2 began in 2018 due to political tensions stemming from the Ukraine crisis. This project has evolved into a security concern, particularly under specific security-military conditions, due to its undeniable connection with broader security and military issues. In his analysis of security threats, Barry Buzan highlights the close relationship between economic and military security, emphasizing that military security relies heavily on economic security due to budgetary constraints. Buzan views economic security as a fundamental component of national security (Stone 2009, 5).

The Ukraine crisis subjected Nord Stream 1 and Nord Stream 2 projects to full securitization and a state of emergency under the political West-Russia conflicts. This led to a decrease in these projects' economic and peaceful effectiveness based on the theory of mutual interdependence. It seems that this problem cannot be solved through ordinary political resolutions and existing rules because these projects are securitized by some security actors, including the US, which controls a large part of the economic sector in Europe and many countries worldwide. Practically, this problem is a serious threat to the EU, especially Germany, until finding alternative solutions.

## **RUSSIA-EU RELATIONS BEFORE THE SECURITIZATION OF NORD STREAM**

Economic projects usually play a positive and constructive role in countries' political and security relations. In many cases, while under political, security, or military tensions, countries have cut off their friendly relations, and economic programs have restored them. Regarding the Nord Stream, which formed a part of Russia's economic and political relations with the EU, there was an impression that this project would shape peaceful and constructive relations between Russia and the EU in the long term. Even some thinkers after the Ukraine crisis assumed that all Member States of the EU would not act jointly against Russia due to their economic dependencies. It was assumed that some countries, including Germany, with broad economic relations with Russia, would maintain these relations to keep mutual interests despite the pressures of the US. In other words, economic relations and the Nord Stream project were

expected to ensure both sides' development and economic growth. From this perspective, the Nord Stream pipeline, which has long been on the agenda of Russia and Germany, plays a key role in both countries' industrial and economic development (Laqueur 2018).

In addition to the support of countries such as Germany, France, Italy, the Netherlands, and Bulgaria, this project was officially approved by the European Commission, which determines the energy and economic policy of the EU (Moshenets 2021). Germany considered the Nord Stream crucial for establishing stable and long-term relations among the EU Member States. Thus, rather than accompanying the EU, it tried to mediate the opposition between the West and Russia during the subsequent tensions. For Germany, the Nord Stream pipeline, as an important aspect of bilateral cooperation between Russia and the EU, contributes to reducing tensions and strengthening political and security relations and should be kept away from political and security issues (Shagina and Westphal 2021). Following the Ukraine crisis and the annexation of Crimea, Russia, the third trading partner of the EU (Estrada and Koutronas 2022), lost its position in 2017. The following section discusses the role of the Nord Stream in the political and security relations between Russia and the EU after securitization.

### **RUSSIA-EU RELATIONS AFTER THE SECURITIZATION OF NORD STREAM**

The Ukraine crisis caused tension and conflict between Russia and the West, especially the EU, and created the perception that if the big powers (West and Russia) do not reconsider their behavior, there could be increasing conflicts and military confrontation. However, some believed that the tensions would eventually diminish for several reasons. They argued that the deep-rooted relations between Russia and the EU, forged by geographical proximity, historical connections, and scientific and cultural cooperation that underscore their shared identity, were resilient enough to withstand the impact of the Ukraine crisis. Two significant options emerged as potential solutions: a political understanding founded on a reliable mechanism and the maintenance of economic relations facilitated by the Nord Stream pipeline. These approaches were instrumental in rebuilding relations and alleviating tensions between these countries (Perović and Shagina 2021). Before the Ukraine crisis, Russia and the EU had security relations, including cooperation with NATO and a common defense and security strategy. Russia, as a leading country in global terrorism, human and drug trafficking, and organized crime, had significant cooperation with the EU and even NATO. Russia started cooperating with the North Atlantic Council in 1991 and joined the NATO-Russia Partnership for Peace in 1994 (Forsberg and Herd 2015). It also signed the NATO-Russia cooperation document, which contains many commitments and agreements demonstrating Russia's close security relations with NATO and the EU. In 1999, the EU developed its common foreign policy strategies, leading to the approval of a security and defense strategic document between Russia and the EU (Busygina 2018). This document heavily emphasized value aspects, including human rights, the expansion of freedom, the consolidation of economic relations, and the fight against terrorism, organized crime, and drug trafficking.

After 2000, Russia took an aggressive and confrontational attitude toward the West. In 1999, the EU adopted an aggressive rather than a security approach after the Kosovo War. According to the new military strategy of the EU, each member state of the union had to

prepare 60,000 military forces, 200 aircraft, and 100 ships as rapid reaction forces. Later, the security strategy of the EU was renewed in 2003, which again adopted a security approach (Dembinska et al. 2020).

Over the years, Russia cut security cooperation with NATO (Frear et al. 2018). It sought to increase its military capabilities because the presence of America and NATO, which strived for world domination, was considered the biggest threat to its western and southwestern borders (Eastern Europe and the Black Sea area). Russia needed to reconstruct and strengthen its defense systems and modernize the army to neutralize the threat of America and NATO.

In such a tense security environment, the perception was that joint economic programs, including the Nord Stream, would effectively reduce strains. However, this pipeline became securitized amid political changes, particularly the political conflicts and the Ukraine crisis. Instead of fostering amicable relations, it further exacerbated the political and security dynamics or, at the very least, lost its constructive role. In 2015, they witnessed Russia's proposal for the Nord Stream 2 project, aiming to double the capacity of gas transmission, which ignited heated political debates (Moshenets 2021). In 2018, coinciding with the project's official launch, it reached the highest level of securitization. As discussed earlier, the United States, Poland, and the Baltic countries, as EU Member States, opposed Germany's energy policy and viewed Nord Stream as a significant threat to the EU's and its allies' national security (Siddi 2020). Rather than fostering the relations between Russia and the EU, the securitization of the Nord Stream first led to internal tensions in the EU. Then the change in Germany's approach towards Nord Stream under US pressure increased the tensions between Russia and the EU. Following the Russian military attack on Ukraine, this project encountered new challenges in 2022. Nord Stream 2 was suspended, and Russia reduced gas transfer from the Nord Stream pipeline, resulting in further tensions between Russia and the EU or the West. As a result, Nord Stream 1 and 2 lost their values and economic position, and rather than being a source of cooperation and convergence, they were considered a security threat by the US and some EU countries, including the European Commission (Bugayova and Kagan 2021).

The Nord Stream has not played a significant and outstanding role in improving political and security relations between Russia and Europe before and after securitization. Although this project helped strengthen the relations between Russia and the EU before the Ukraine crisis and the securitization of this project, it has become a tool to pressure the EU and Western countries after the Ukraine crisis. The EU quickly realized that rather than improving security, economic dependency can be a source of threat and insecurity. Therefore, it seems that the Nord Stream pipeline after securitization possesses a negative and conflict-inducing rather than a positive and constructive role.

## CONCLUSION

From its inception, the Nord Stream project was perceived as an economic endeavor, but it also held political and security implications. The project's initiation coincided with escalating political tensions between Russia and Ukraine, leading Russia to raise the price of gas exports to Ukraine as a punitive measure. In response, Ukraine resorted to exerting pressure on the gas transit system, threatening the security of Russian gas transmission to Europe. At the same time

as the political conflicts in Ukraine increased, the hypothetical Nord Stream pipeline, which had been at the core of attention for years, was approved by the President of Russia and the Chancellor of Germany in 2005. Finally, the operational plan of this strategic and long-term project was started in 2010, operated in 2011, and completed in 2012. In the first stage, Russia seriously welcomed this project and many member countries of the EU, including the European Commission. At the time of this project's operation, the European Commission and Germany considered it important for regulating economic, political, and social relations between Russia and the EU. At first, Russia and many EU Member States, including the European Commission, enthusiastically supported this project. From 2010 to the end of 2013, Nord Stream was not securitized, and Russia and the EU considered it an important, extremely helpful, successful, and strategic economic project.

Since the Nord Stream was important and successful in planning and efficiency, the construction of the Nord Stream 2 project was on the agenda. This project was launched when the political tensions between Russia and the West rose due to the Ukraine crisis and the annexation of Crimea. When the Nord Stream 2 construction was initiated in 2018, the United States, the European Commission, and the Baltic States opposed the project. Despite Germany's resistance, these countries kept opposing and deemed Nord Stream a threat to the national security of Europe and NATO Member States. Due to the concern that Russia could exploit the EU's dependence on its energy resources for political ends and potentially act recklessly, the United States intensified its focus on securitizing the Nord Stream project. Consequently, numerous media outlets, intelligence agencies, and certain European countries began magnifying this project as a significant threat. Eventually, the EU began to view the project as a potential menace.

Following the securitization, Nord Stream shifted its economic position to a security position, failing to play a significant and positive role in improving political and security relations between Russia and the EU. After Russia's military attack on Ukraine on 24 February 2022, which coincides with the 2014 Ukraine crisis, Nord Stream 2, which was not yet operational, was suspended, and the flow of gas to Europe by Nord Stream 1, which was about 55 billion cubic meters, was reduced and almost stopped. Currently, the Nord Stream is in uncertain conditions. In light of the prevailing political tensions between Russia and the Western countries, it is plausible to anticipate a complete suspension of the Nord Stream pipeline if the EU manages to fulfill its energy requirements through renewable energy sources or alternative suppliers and if Russia discovers a new lucrative market for its gas exports. The continuation of the Nord Stream project hinges on reducing political tensions and de-securitizing Nord Stream following international rules and conventions.



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# INTERNATIONAL AND MACEDONIAN LEGAL TREATMENT OF THE EDUCATIONAL RIGHTS OF REFUGEES

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**Abstract:** *This article aims to provide an overview of the legal framework protecting the right to education of refugees in North Macedonia. The right to education is one of the fundamental human rights guaranteed by many international legal instruments. International treaties are particularly strong on the universality of the right to education. In the first part of the paper, the authors examined various international legal instruments regarding the educational rights of refugees and immigrants. In the second part, the emphasis was placed on the Macedonian legal framework and public policies by examining the incorporation of the norms of international law into the domestic legal order by comparison. As part of the so-called Balkan route, North Macedonia has witnessed mixed migration flows from the Middle East through the Balkans on their way to Central and Western Europe in 2015-2016. Although it has been a transit country for most of the time, there are some asylum seekers whose educational rights were disregarded due to the existing gap between the legislation and implementation. The authors' conclusion emphasizes the challenges that have to be tackled by different stakeholders in order to facilitate access to education for refugees entirely.*

**Keywords:** Education; Human Rights; Refugees; Immigrants; North Macedonia

## INTRODUCTION

Children and adolescents who are refugees possess the right to education. Even in emergencies and displacement, their entitlement to a high-quality education remains intact and, if anything, becomes even more crucial. Access to comprehensive and equitable education facilitates their learning and creates an environment where they can thrive and fully develop their capabilities. Inclusion is the optimal approach for refugees, displaced individuals, and stateless persons, offering them the best opportunities for education and integration.

According to official reports (UNHCR 2019), the right of millions of refugee children and young people to a good education is being denied to them. Almost 3.7 million refugee children, including boys and girls, do not attend school (p. 11). Only 63 percent have access to primary education compared to 91 percent of children globally, and only 24 percent of refugee youth receive secondary education, compared to 84 percent globally (p. 11). At the tertiary level, just 3 percent of refugees have access compared to 37 percent globally (p. 37). Less than seven girls attend high education for every ten refugee boys. Due to the inescapable increase in forced migration worldwide, the statistics show large differences between refugees and their non-refugee peers. In Europe, there were only a few safe and legal routes for refugees and migrants to enter the European Union. Many of them who have traveled the Western Balkans route to

Hungary found themselves trapped outside the borders of the EU in Serbia and North Macedonia without any legal protection or status. Refugees faced considerable obstacles in accessing asylum in any country along their journey. Refugees and migrants alike are at constant risk of exploitation, arbitrary detention, and ill-treatment along their journey (Amnesty International 2015).

In 2014, more than 42,000 people entered Hungary irregularly from Serbia. More than half were refugees and migrants who had crossed the border into Hungary from Serbia, having traveled along the Western Balkans Route from Greece, the vast majority through North Macedonia. Their numbers were increasing: by 22 June 2015, 60,620 refugees and migrants had been apprehended, entering Hungary irregularly, and 60,089 crossing from Serbia into Hungary (Amnesty International 2015). The number of refugees and immigrants who entered Europe between 2014 and 2015 is much higher than the official numbers, amounting to an estimated figure of over 1 million people (IOM 2015).

The international community has recognized the importance of education as a universal and fundamental human right. Hence, multiple mechanisms for its protection within the international legal order have been developed, focusing on eliminating all forms of discrimination and its role concerning the adaptation and integration of refugees and asylum seekers. Education is crucial in fostering peaceful, just, and inclusive societies, free from fear and violence, as it can increase tolerance and contribute to active citizenship and engagement in society. Due to the specific nature of this right, a large body of international legal instruments imposes standards and obligations for the States to ensure that access to education is maintained during all phases of the displacement cycle. Enforcing the right to education by translating international obligations into domestic legal and policy frameworks imposes various challenges. The gradual opening of the internal legal systems and the protection of human rights, particularly, has become one of the most critical conditions for the new democracies to access the international legal order (De Schutter 2010).

Having in mind the presented body of international law concerning the educational rights of refugees and asylum seekers, the common core obligations of states as duty-bearers are to: provide free and compulsory primary education, make secondary education generally available and accessible with the progressive introduction of free education, make higher education equally accessible to all based on capacity, by every appropriate means, and in particular by the progressive introduction of free education, encourage or intensify "fundamental education" for educations who have not received or completed primary education; improve the quality of education, improve the material conditions for teaching staff, end discrimination and guarantee educational freedom of choice (UNESCO 2019). States are responsible for adjusting their education systems to address the specific challenges refugees and asylum seekers encounter concerning access, relevance, and quality of education. It is of utmost importance for them to ratify and effectively implement the legally binding instruments that uphold the right to education for all individuals.

## GENERAL INTERNATIONAL LEGAL INSTRUMENTS

The international legal framework referring to the right of education of refugees and migrants is consisted of conventions and treaties with binding obligations to states since adopted and ratified and different sources of soft law (resolutions, declarations, frameworks for actions, recommendations, etc.) that do not have legally-binding force. However, they embody great political and moral authority (UNESCO 2023).

International treaties are particularly strong on the universality of the right to education.

As an empowering right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities (General Comment No. 13, 1999).

In the context of education for immigrants and refugees, the following is an overview of the key international legal instruments that ensure the right to education for immigrants and refugees.

### The Universal Declaration for Human Rights

When analyzing the right to education as a fundamental human right, it is essential to begin with the legal instrument that serves as the cornerstone in this domain, namely the Universal Declaration for Human Rights (UDHR). The UDHR holds historical significance globally as the origin of all human rights, including the right to education. On 10 December 1948, the UDHR was adopted and proclaimed by the UN General Assembly through Resolution 217 A (III). While some may argue that the UDHR is a declaration and does not possess the obligatory character of binding international law in a strict sense, its acceptance by nations worldwide has bestowed significant moral weight upon it as a normative source that has influenced the constitutions of numerous countries. Consequently, the binding force of the UDHR is acknowledged: "from its realization in other texts of undoubted normative nature (the international covenants of 1966) until its incorporation via jurisprudence into the legal *acquis* of national systems" (Fernández 2017). Article 26 of the UDHR affirms the right to education.

This Article's first paragraph mentions the minimal content that should be provided under the right to education. Here, it is stated that "everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages" (Article 26, line 1, UDHR). Therefore, the creators of the UDHR recognize the significance of ensuring free primary education. They emphasize its value by highlighting its importance and including it in one of the few articles that offer guidance for developing the entire body of international law concerning the protection of human rights.

The political orientation of education, referred to in the second paragraph of Article 26, mentions the full development of the personality and its socializing capacity. It also strengthens the ability to inculcate in children values of democratic coexistence and respect for human rights, which are mentioned in this Article: understanding, tolerance, and friendship, as well as to encourage the initiatives of the UN to achieve peace. However, Meix Cereceda (2014) points out that this proliferation of targets within the educational system "runs the risk of being exaggerated and even proving ineffective if they are expected to resolve all the problems of



society" (p. 35), advocating a balance between all the aspects of the same. The third paragraph from Article 26 refers to the right of the parents to choose the kind of education for their children.

### **The International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights**

Because of the nonbinding nature of the provisions stated in the UDHR, it was important for new legally binding documents to be introduced to promote and protect the rights guaranteed in the Declaration. The codification of international customary law from the Universal Declaration into binding treaties happened in 1966 when the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights were adopted and transformed an important set of human rights into binding conventional instruments. Both covenants have been ratified by over 125 states and, together with the Universal Declaration, are known as the International Bill of Human Rights.

Experts in the field of human rights related to education claim that the human right to education has the widest and most expansive definition in the ICESCR compared to all the other international legal documents. Furthermore, when we analyze Article 13, para. 1 from the ICESCR, we may find many similarities to Article 26 of the UDHR. In that context, the universal recognition of the right to education is already contained, with almost the same formulation, as in Article 26.2 of the UDHR that identified the political principles that should guide education.

However, there is a significant distinction between these two articles, highlighting a notable difference in the responsibilities of states regarding primary, secondary, higher, and fundamental education. Specifically, Article 13, line 2 of the ICESCR emphasizes the commitment of states to prioritize the implementation of compulsory and free primary education, whereas this obligation is absent in the UDHR.

### **Specific Legal Provisions for Refugees**

One of the specific instruments that were introduced on the international scene regulating the granting of asylum to people who are in danger and at risk worldwide, and at the same time containing provisions regarding the right for the education of the refugees is the Convention Relating to the Status of the Refugees adopted 1951 and its Protocol adopted 1967.

Article 22 of the Convention is titled Public Education. Paragraph 1 states: "The Contracting States shall accord to refugees the same treatment as is accorded to nationals concerning elementary education". It is important to emphasize that prior to this convention, the Conventions from 1933 (Article 12 Convention of 28 October 1933 relating to the International Status of Refugees) and 1938 (Article 14 Convention concerning the Status of Refugees coming from Germany, Geneva, 10 February 1938), provided that refugees shall enjoy a treatment in schools, courses, faculties and universities of each of the contracting parties as favorable as other foreigners in general and that they shall benefit in particular to the same extent as the latter by the total or partial remission of fees and the award of scholarships.



In the case of Article 22, the title Public Education is important because it applies to education provided by public authorities and to any education subsidized in whole or in part by public funds and to scholarships derived from there. The Article refers to refugees without qualifications such as “lawfully stay”. It is, in fact, of importance, particularly to children of refugees. In this context, it is important to note that according to the official commentary of the ad hoc Committee on Statelessness and Related Problems, “the rights granted to a refugee are extended to members of his family”. Furthermore, paragraph 2 of Article 22 refers to accepting foreign school diplomas, certificates, and degrees. However, it should be noted that it is related to enrollment in colleges and universities, not the practice of professions.

Bilateral agreements on the reciprocal recognition of degrees and diplomas are usually present. The European Convention on the Equivalence of Diplomas leading to Admission to Universities of 11 December 1953 exists on a multilateral basis. It states that each contracting state shall recognize the equivalence of the diplomas accorded in the territory of each other contracting party, which constitutes a required qualification for admission to similar institutions in the country in which the diploma has been awarded for the universities situated in its territory, admission to which is subject to state control.

There are other international instruments dealing with the educational rights of refugees. However, the experts working in this research field agree that this Convention is the most specific one in establishing the right to education of the refugees that gave the direction for further development. Namely, the refugees’ right to education was later guaranteed by policy and legislation, which international organizations, agencies, and the UNHCR developed.

## **LEGAL FRAMEWORK AND PUBLIC POLICIES IN NORTH MACEDONIA**

In order to examine the legal framework and public policies in North Macedonia, especially through the prism of incorporating the norms of international law into the domestic legal order, it is necessary to refer to the relationship between international and domestic law.

The country is a party to the Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967. It is also a state party of the 1954 Convention relating to the Status of Stateless Persons and the 1997 European Convention on Nationality. The basis of the national legal framework for the treatment of refugees and asylum-seekers is the Law on Asylum and Temporary Protection, which was adopted in 2003 and amended on many occasions to fully meet high international standards, in line with the EU (Ilievski and Runcheva 2019).

Constitutional law provides the basis for determining such relationships and the legal status of international legal norms in the domestic legal system. Likewise, the Constitution of the Republic of North Macedonia contains provisions that regulate the transposition and implementation of international treaties in the domestic constitutional order.

Article 8 implies that international human rights law has been a guiding principle in regulating the catalog of fundamental rights and freedoms (Sinani and Mehmeti 2014). Moreover, respect for the generally accepted norms of international law is a fundamental value of the constitutional order. It has a superior legal effect over the content of the internal order. Article 118 stipulates that international treaties ratified under the constitution are part of the

internal legal order and cannot be changed by an act of parliament; thus, international treaties norms have legal primacy over all legislative corpus of the internal law of the state except for the constitution, including the existing legal acts and the future ones. Concerning the right to education, particularly for refugees and asylum seekers, the Republic of North Macedonia has ratified the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, as well as the Convention on the Rights of the Child, which are directly applicable in the domestic legal order. Moreover, the provisions and standards stipulated within the international legal instruments are transposed and incorporated into the legal acts of the internal legal order. North Macedonia has acceded to the key international conventions protecting refugees and asylum seekers.

Article 44 of the Constitution of the Republic of North Macedonia guarantees the right to education, and it is accessible to everyone under equal conditions. According to the Law on Primary Education, every child has the right to education, and according to the Law on Secondary Education, foreign citizens and stateless persons can obtain education in compliance with the conditions stipulated under this law. According to the Law on Asylum and Temporary Protection, asylum seekers and persons under temporary protection have the right to education and the possibility of inclusion in the educational system. At the same time, the Law on Foreigners states that each person who holds a residence permit for the Republic of North Macedonia has the same rights as domestic citizens, including the right to education (See: Orovcanec and Martinoska 2018). The legal framework will be analyzed in more detail.

Based on the Convention on the Rights of the Child, the Law on Protection of Children protects the child's best interests. It provides minimum standards for every child under the same conditions, as it excludes any form of discrimination concerning guaranteeing the right to education on the grounds of race, the color of skin, sex, language, religion, political or other opinion, national, ethnic or social origin, culture or other affiliation, property position, disability, birth, or another status of the child, or his or her parent, or legal guardian. Furthermore, this law imposes on the state and institutions of the system the commitment to take all necessary measures in order to ensure the rights of the child and to prevent all forms of discrimination and abuse, regardless of the place these actions have taken place, their difficulty, intensity, and duration. General principles for access to education are included in the Law on Primary Education, which recognizes elementary education as compulsory and free for everyone and explicitly states that every child has the right to elementary education. It predicts the prohibition of discrimination in exercising the rights from elementary education on several grounds: sex, race, color of skin, national, political, religious, property, and social affiliation. Objectives prescribed with the Convention aim towards the promotion of the respect of human rights and fundamental freedoms, the cultural identity of the child, the differences, preparation for responsible life in a free society in the spirit of understanding, peace, tolerance, and equality, are contained in the Law on Primary Education as it promotes tolerance and inclusion of every child through activities that contribute to the development and promotion of multiculturalism and interethnic integration. Concerning the non-discrimination clause, the Law on Primary Education does not mention the birth or other status of the child or his/her parent or legal guardian as a legal basis. However, it is noted that the provision considers children with foreign citizenship and stateless children residing in the country to have the right to elementary education on equal

terms with citizen children. However, there is no explicit reference to refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, and children under temporary protection as a distinct group with specific needs and characteristics.

The same approach persists concerning the Law on Secondary Education, which recognizes that foreign citizens and stateless persons can obtain secondary education in a manner and under conditions determined by law. Schools should organize activities that contribute to developing and promoting multiculturalism, interethnic integration, and tolerance but do not specify a distinctive status to refugee and asylum seekers children as separate categories. Such distinction is very important to address and respond to the specific needs in light of the international standards and legal duties that need to be translated and enforced from a policy perspective.

The Law on Primary and the Law on Secondary Education also determine that foreign citizens and stateless persons have the right to request nostrification or recognition of equivalency of a certificate obtained abroad. However, refugees have not been included as a separate category. Among the other documents, the nostrification procedure requires submission of a birth certificate and proof of citizenship and payment of a fee; thus, it is disputable whether this provision can be implemented for stateless persons. Regarding higher education, the subject matter law provides that by applying the principle of reciprocity, foreign citizens are entitled to education at higher education institutions in the country under equal conditions with domestic citizens. In comparison, persons without citizenship have the right to higher education under equal conditions as national citizens. Furthermore, when lacking the principle of reciprocity, foreign citizens may educate at higher education institutions under conditions determined more closely by the concrete higher education institution. National citizens, foreigners, and stateless persons may seek recognition and equivalence of their degrees.

In the context of the refugee crisis that started in 2015, Standard Operating Procedures for Dealing with Unaccompanied and Separated Children were adopted in November 2015 to protect unaccompanied children in reception and transit centers by taking steps to identify, refer and protect their rights, as a particularly vulnerable category. Therefore, the minor shall receive legal aid, social support, medical and psychological care, and the right to education in the Republic of North Macedonia's educational institutions during the reception centers stay.

Finally, the Law on Asylum and Temporary Protection, serving as a *lex specialis*, ensures that asylum seekers, among other rights, have the right to education in line with the domestic framework for primary and secondary education. As per this law, foreign citizens and stateless individuals residing in the country are entitled to elementary education under equal conditions as children with domestic citizenship. To uphold this right, educational institutions should organize teaching classes in the native language of these individuals in various facilities. Regarding the granting of such legal status, it is stipulated that a successful asylum request can only be approved if the person is recognized as a refugee or granted subsidiary protection. Furthermore, before the final decision is made in the procedure for recognition of their legal status, the asylum applicants have access to "free legal aid, accommodation, residence, right to basic health care in accordance with the regulation on health insurance, right to social

protection according to the Law on Social Protection, right to education according to national legislation for primary and secondary education, etc.”.

The distinction between foreigners and (sub)categories - refugees and asylum seekers is in a certain manner recognized under the Law on Personal Identification Number, which prescribes that the term “foreigner” has the same meaning as the term “foreigner” determined by the Law on Foreigners. The terms “person with recognized refugee status” and “person with the status of a person under subsidiary protection” have the meaning determined by the Law on Asylum and Temporary Protection.

In order to implement the legal framework and develop public policies in line with the prescribed standards, the Strategy on Integration of Refugees and Foreigners 2008-2015 recognizes the key role of education in the process of social integration. It proposes developing a dialogue with the local self-government to identify, analyze and propose appropriate solutions and models for the education of refugees. The Strategy predicts adaptation of the teaching program to include optional subjects for learning the native language and the culture of the country of origin while teaching in the public secondary school to be performed in one of the international languages. It does not contain a similar subvention approach concerning higher education. Additionally, the Strategy identifies the significance of learning the language of the country of residence (Macedonian language for more active citizenship and civic engagement). National Action Plan follows the strategic approach and activities for promoting education and science: taking measures for providing books and resources for regular school attendance, targeted programs for support of extracurricular and shortened educational programs, researching the justification of the promotion of pre-primary education, compulsory learning of Macedonian language for children and adults, including the target group in the Program for Lifetime Learning, promotion of university education, organizing informative campaigns for communication with the target groups in order to facilitate the access to their rights and obligations, but the activities are listed without any further processing.

Although this Strategy identified several key issues that need to be addressed to facilitate the process of quality education in the context of refugee integration, Strategy 2017-2027 admitted that those measures had not been implemented in recent years and refocused on the smooth provision of education for refugees as an essential component of a sustainable refugee integration process. This Strategy is based on UNHCR Education Strategy 2012-2016. It proposes establishing an integration center and course based on the European model for integrating migrants, as the European Commission recommends. Hence, the approach adopted by this Strategy introduces integration in an early phase, starting with an initial skills assessment to develop a specific integration plan. Special focus is put on learning the Macedonian language and attending professional training to significantly increase the employment capacities of asylum seekers, together with cultural orientation. Children should have access to preparatory educational programs consisting of educational topics related to learning the Macedonian language and acquiring knowledge for the school subjects. Education should be accessible not only within the reception centers but also beyond. The main actions points are an evaluation of the policy framework to identify potential gaps, examining the feasibility of establishing common preschool facilities for the target group/local population (local government), and proposing models for active promotion of preschool education in support of the early stages of

integration (existing), creation of a certified program for teaching the Macedonian language for children and adults and identifying mechanisms for providing language education, determining the best models for educational support and mentoring to help both children and adults to achieve their full economic and social potential, and promotion of higher education and university enrollment.

The National Action Plan envisages concrete activities in order to achieve the objectives prescribed by the Strategy, such as: to prepare curriculums for learning Macedonian; to define the levels of knowledge and the mechanisms for examination for specific needs; to prepare a methodology and a program for learning Macedonian for children aged 3 to 5 within the frames of the programs for early childhood development; to provide support for the municipalities in the process of development of new pre-primary capacities; to prepare curriculums for preparatory school programs for primary and secondary education; to prepare mechanisms for examination in order to determine previous knowledge for enrollment; to implement all changes that require amendments to the legal or administrative rules and to enable regular enrollment of refugees in the schools; to identify pilot-schools and to implement a mentorship project in the schools; to prepare mechanisms for recognition of diplomas in order to facilitate university enrollment; to prepare a policy document to recommend various methods of use of the computer-based tools for improvement of the quality of education - courses for remote learning, e-books, e-learning, e-mentorship, etc.

#### **STATE OF PLAY: *DE FACTO* SITUATION**

In 2016, the Ministry of Labor and Social Policy prepared and promoted Standard Operating Procedures (SOP) for conducting educational activities for children and youth. The purpose of this procedure was to enable the acquisition of education and the improvement of conditions in which educational activities for children are implemented and will be implemented by organizations that have signed a memorandum of cooperation with the Ministry of Labor and social policy. In the transit centers Tabanovce and Vinojug, when the "Balkan migrant route" was closed and a larger group of immigrants and refugees were taken care of, educational workshops were held for children and adults (Stojanovski 2018).

In collaboration with the Ministry of Labor and Social Policy and the Ministry of Education and Science, UNICEF modified the national preschool education curriculum. The subjects such as mathematics, natural sciences, civil society, and ICT were adapted due to the new circumstances because the government did not have a program to educate refugee and migrant children. The program was enriched with creative workshops and sports activities. A group of NGOs signed a Memorandum of Understanding with the Ministry of Labor and Social Policy to implement the program. The persons implementing the program received prior training on how to implement it, and they were provided with mentorship from school teachers from Kumanovo and Gevgelija.

In addition, UNICEF provided teaching and didactic materials and school backpacks for the children in the transit centers and the Center for Asylum Seekers in Vizbegovo. Lectures in transit and reception centers for asylum seekers in Vizbegovo were held every working day. Unfortunately, with the deportation of migrants group to another facility, the educational

program in this center was gradually closed due to the lack of children. In the Vinojug Transit Center during 2017, the informal education program was carried out with a minimum number of children (Stojanovski 2018).

## CONCLUSION

The legal framework in North Macedonia guarantees the right to equal education in primary and secondary degrees in line with the international instruments to which it has acceded. However, recognizing the specific needs of refugees and asylum seekers due to their vulnerable status requires an additional step. The Strategy for the Integration of Refugees and Foreigners aims to establish a suitable policy framework and concrete policy solutions to address the identified gaps. The main emphasis is on learning the host language and culture, implementing tailor-made programs considering the level of previously acquired knowledge, facilitating the transition into an appropriate grade in the domestic educational system, and enhancing access to equal education beyond the resource centers. Non-state actors, such as civil society organizations, are recognized as significant contributors to this process.

However, the gap between legislation and implementation persists, and education is primarily organized within the reception-transit centers. The creation and implementation of sustainable public policies are still in the initial stage, considering the deficiency of curricula for learning the Macedonian language for children or adult foreigners and refugees, along with the need for examination mechanisms and adjusted mentorship activities. Furthermore, there is a lack of appropriate training for teachers and a shortage of trained staff, in general, to prepare refugee children for inclusion in the educational process. There is also a deficiency in mechanisms for promoting higher education through scholarships or student loans. Therefore, legislative, operational, and programmatic amendments are needed to fully facilitate access to education for all individuals under international protection.

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# COMPETITION OF STRATEGY BETWEEN CHINA AND INDIA IN THE INDIAN OCEAN NOWADAYS

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**Abstract:** In recent years, the Indian Ocean Region has become central to the strategies of major global powers due to a series of geoeconomic and geopolitical factors. While China increased its influence in this region by opening up connections within the framework of the BRI, offering loans, and constructing infrastructures, India, with its "neighborhood first" policy, also preserved its traditional sphere of influence. Due to the rising strategic competition by powers, Indian Ocean Region was at the crossroads of great power competition, especially the strategic competition between China and India. The article was based on a comparative approach and simultaneously compared India and China's influence in each field in the Indian Ocean region. The analysis showed that competition between China and India in the context of the two countries still has many tensions, leading to each country's efforts to strengthen military control over the Indian Ocean region. However, this competition tends to serve as a balance between the two countries, motivating them to develop regional power rather than allowing a single dominant state to become a hegemon.

**Keywords:** Competition; Strategy; China; India; Indian Ocean

## INTRODUCTION

The definition of "competition" in political science can be understood as "dispute", referring to "a battle or a flight of those having the opposition between demands, idealism, believes, values or targets (Pia and Diez 2007, 2). In the definition, "competition" always implies some level and intensity of antagonism, each side strives to increase its power and influence, in order to achieve objectives that are directly related to the other competitors. "Strategy" is derived from the ancient Greek word "*strategos*" (στρατηγός), which mainly uses in the military field, emphasizing the role of the general in the army. During the era of Alexander the Great, the term "strategy" was employed to describe the skills and abilities of leaders in their quest to overcome adversaries and establish systems of dominance over competing forces. However, as the 19th century drew to a close in Europe, the concept of "strategy" underwent a significant transformation, shifting its focus from the military domain to business and commerce. As the 20th century progressed, the concept of strategy expanded into the realm of state management. Edward Mead Earle (1943), in his influential book "Makers of Modern Strategy" presented a comprehensive definition of strategy: "Strategy is the art of controlling and using the resources of a nation - or a coalition of nations - including its armed forces, for the purpose of achieving

its vital interests effectively, guaranteed to succeed against the enemy in the actual world, potentially or just hypothetical" (p. viii). Strategy is also considered as "a set of methods and plans to determine goals, arrange or gather forces and solutions to achieve its goals by the most beneficial way, create a new state of development of a field, the society or the whole world in a certain period" (Institute of Police Science and Strategy 2005, 211).

Thus, "strategy competition" in International relations is the race and "combat" of a nation or an alliance of nations with its rival throughout its mottos, strategies, and policies, which are planned for a certain time, aiming to achieve the goals of its the national interests set out to create superiority over the opponent or the dominance related to the position, power, influence or interest in "competition" aspect. This competition arises when actors in international relations share common goals related to power, influence, interests, and more. In contemporary international relations, strategy competition is dynamic in which actors vie for influence, primarily through non-armed conflict means. By employing a theoretical analysis of strategy competition, this article primarily utilizes the framework of realism to examine the phenomenon. This theory stresses that "the international environment is anarchic, so countries must compete with each other to protect their sovereignty and interests; all countries are pursuing power in the international arena, emphasizing competition in the international system in which states are racing in pursuit of goals such as international power and status" (Hoang 2017, 47).

The relationship between India and China is marked by ongoing competition across various domains as both countries strive to assert their influence and demonstrate their respective superior power. One key battleground of this rivalry is the Indian Ocean, which has traditionally been considered India's sphere of influence but has recently faced encroachment from China, intensifying the rivalry between the two nations. China employs an "economic force" approach in its engagement with the Indian Ocean, bolstering ties with countries like Pakistan. At the same time, India, under Prime Minister Modi's leadership, is pursuing a "Neighborhood First" policy to regain its influence. The country that manages to establish dominance in this region will hold the key to extending its reach beyond Asia, serving as a pivotal point in the process.

## THE VALUE OF THE INDIAN OCEAN TO CHINA AND INDIA

The Indian Ocean is the third largest ocean in the world, with important trade routes, including straits such as Hormuz, Bab-el-Mandeb, and Malacca. Strategist Alfred Thayer Mahan once said: "Whoever controls the Indian Ocean can rule Asia" (Mahan 1987, 138). This has confirmed the strategic position of the Indian Ocean. The region possesses extremely rich natural resources, with 62% of the world's oil reserves, 35% natural gas, 40% gold, 60% uranium, and 80% diamonds (Erickson, Walter, and Mikolay 2010, 216). It is also an essential oil route from the Persian Gulf to Europe and Asia. The most prominent are China and India, trying to show more and more of their role in this region. The reason is that both countries have closer interests in this key geostrategic region.

For China, in terms of economic security, the Indian Ocean region is an extremely valuable route to ensure its energy security. China's economy has undergone the process of reform, opening up, and has risen strongly. This poses a requirement for a stable energy supply

for the development of the Chinese economy. In the realm of energy, China heavily relies on the Middle East and Central Asia reserves to fulfill 60% of its oil and natural gas requirements. However, transporting more than 80% of China's oil and gas imports involves lengthy sea routes, often resulting in extended transit times. These imports traverse the Indian Ocean and the South China Sea (Weimar 2013, 9). With the world's second-largest economy closely connected with outside economies, China's prosperity is tied to its trade routes, including the Indian Ocean. The smooth operation of sea lanes connecting China with the Middle East and Africa holds immense significance for China's energy security. Specifically, China's primary interest in the Indian Ocean is ensuring the unobstructed maritime trade flow from the Strait of Hormuz to the Persian Gulf, the Bay of Bengal, and Malacca. Consequently, China is compelled to seek ways to safeguard the trade route of the Indian Ocean. One approach involves establishing and sustaining a robust naval presence in the region, which not only safeguards access to energy resources in the Middle East but also fosters strong relationships with the coastal states of the Indian Ocean region.

Furthermore, following the announcement of China's ambitious "Belt and Road Initiative" (BRI) strategy, a significant focus has been placed on minimizing vulnerabilities associated with the initiative. China has been actively diversifying its trade and energy routes while seeking to expand its political influence through increased trade and infrastructure investments. As part of this strategic approach, China has financed and constructed commercial port facilities in various South Asian countries. These include Chittagong in Bangladesh, Hambantota in Sri Lanka, Kyaukpyu in Myanmar, and Gwadar in Pakistan.

Regarding military security, China has implemented its ambitious "String of Pearls" strategy to establish a connection between the South China Sea and the Indian Ocean. Under this strategy, China seeks to extend its influence from Hainan Island through the world's busiest sea lanes, ultimately reaching the Persian Gulf. The main objective of this strategy is to challenge India's influence in the region, ensure energy security, and gain control over crucial shipping routes. By implementing the "String of Pearls" strategy, China aims to enhance its energy, economic, and military capabilities. Therefore, the Indian Ocean is pivotal in formulating this strategy as it seeks to control the sea and limit India's strategic reach.

Moreover, the region is home to nuclear weapons states such as Pakistan, China, and India, as well as hosting the US naval base at Diego Garcia. Given the US's strategy to safeguard its interests in Asia, the Indian Ocean holds great importance for the US to consolidate its influence. This further intensifies the competition between China and the US as they strive to expand their respective influences in this crucial region.

For India the Indian Ocean is of particular importance to this country. Geographically, India is located in the center of the ocean and has more than 7,500 km of coastline. Currently, 95% of India's trade by volume and 68% of trade by value must pass through the Indian Ocean (Ministry of Shipping 2016, 4), and almost 80% of India's crude oil needs - imported by sea through the Indian Ocean. According to the Indian Navy, if India's offshore oil production and exports are considered, India's maritime dependence on oil will be around 93% (Indian Navy 2016, 25). Moreover, India is heavily dependent on the resources of the Indian Ocean, such as mineral and fish resources. Thus, it can be seen that the Indian economy is reliant on trade and resources in the Indian Ocean. Strategically, the Indian Ocean region can be considered India's

"security valve". India's main objective in the region is to protect the sea lines of communication, which have many non-traditional security threats. India has established Information Fusion Center-the Indian Ocean Regional (IFC-IOR) to monitor ships' movements in the region closely. Predominance and control over the Indian Ocean would allow India to exert significant influence eastward. The country can expand its maritime reach into the Asia-Pacific region from there. This has important implications for India's development strategy - this will allow India to reduce the influence of China's "String of Pearls". Nowadays, the rise of China creates obstacles for India's development. As a result, India needs to increase its naval power first and foremost in the Indian Ocean region.

With strategic interests related to national prosperity, China and India are trying to preserve and increase their influence and control in the Indian Ocean region. This creates fierce competition between these two countries in this region to protect the strategic interests of each.

### **THE CURRENT SITUATION OF CHINA-INDIA COMPETITION IN THE INDIAN OCEAN REGION**

Many analysts argue that the rise of a China-centric "Asian system" does not benefit India significantly, especially considering India's aspirations to become a leading power in Asia. The Indian Ocean region, in particular, holds direct and profound implications for India's economic and security interests. Therefore, India's efforts to enhance its influence in the Indian Ocean are entirely comprehensible. On the other hand, for China, as it strives to establish itself as a global power, expanding its presence in various regions is imperative, and the Indian Ocean, with its crucial strategic position, cannot be overlooked. Thus, China cannot afford to neglect this area in its strategy to extend its influence. The ongoing competition between China and India in the Indian Ocean region can be analyzed based on the policies and strategies pursued by each country, as described in the following text.

#### **China**

For China, the Indian Ocean and South Asia have become crucial junctions in its energy supply routes. Not only that, China's 21st-century "Maritime Silk Road" embodies a vision of interconnected ports and nodes across the Indian Ocean. Furthermore, China is undertaking "attacks" on the marginal states of the Indian peninsula in order to secure its foothold in the Indian Ocean.

Firstly, China quickly established and developed a complex infrastructure network at important seaport points in the Indian Ocean region. Over the past decade, Beijing has directed its efforts towards building a chain of ports and maritime facilities in the Indian Ocean, extending from Kenya to Malaysia. Beijing has signed agreements to develop maritime facilities in various countries, including Kenya, Sudan, Pakistan, Maldives, Seychelles, Sri Lanka, Bangladesh, Myanmar, Cambodia, and Malaysia. In the past few years, China has not only built Indian Ocean coastal ports for maritime activities but also expanded into a complex model. China has taken the Shekou model as a template for the development of several strategic Port zones in the Indian Ocean region in order to take advantage of China's influences to transform



the port's functions. This model is named after and inspired by Shekou - a small fishing village in China's Guangdong province. China Merchants Group (CMG) developed a seaport and export processing zone in the early 1980s, turning the village into a world-class commercial, financial, and industrial hub (Deng 2017). This transformation requires the construction of transport infrastructure, industrial parks, free trade zones, export processing zones, development of commercial services and residential areas adjacent to the port. Shekou model, in which the beginning is the construction of the port, which develops into the industrial park, and the last is the city model (Port-Park-City model) (Lin and Zao 2019, 26). This signature approach is designed to facilitate the movement of goods and foster a larger business system. According to Sun Hai Yong, a Chinese scholar, China's port projects along the Indian Ocean are a comprehensive test of China's economic viability, hedging the risks and ability to set international agendas (Sun 2017, 54). He emphasizes that Chinese enterprises have enough capacity to build ports and establish a strong foothold in the port system in the Indian Ocean. Two typical examples of China's strategy of building a port city in the Indian Ocean region are Djibouti and Colombo. For Djibouti city, by assembling industrial, logistics, and business services facilities near the Djibouti Port, Chinese companies hope to replicate Shenzhen's city model successfully. Chinese companies see Djibouti as a major transit hub and "key" to opening up the economies of the Horn of Africa and connecting Asia-Europe (Wagner and Caslin 2019). With support from industrial and banking groups such as CM Port, and China Exim Bank, CMG has established a financial, infrastructure, and commercial platform that allows many Chinese companies to do business in an unattractive economic environment (Ministry of Foreign Affairs of China 2018). With a substantial investment of approximately \$15 billion in port and inland development, China has emerged as the leading external trade participant in the Djibouti Port City project (Port de Djibouti 2015). Through the construction of rail, pipeline, and road infrastructure, Djibouti city is poised to become the Shekou of East Africa, serving as a vital hub for transportation, logistics, and trade in the region (Deng 2017).

The City of Port Colombo (CPC) in Sri Lanka is planned on land reclaimed in the Indian Ocean region, with an area of about 269 hectares, to form the country's first special economic zone for service-oriented industries. The city is scheduled for completion in 2041. It is divided into five distinct areas: the financial area, the marina area, the central residential area, the island residential area, and the international island area. The CPC is Sri Lanka's largest foreign direct investment project, worth around \$1.4 billion, and will spur an additional \$13 billion in secondary investment (The Times of India 2021). CPC is fully funded by China Communications Construction Company (CCCC) and is a key project within China's BRI framework. The project's vision is to transform CPC into a world-class city for South Asia and the most dynamic economic hub in the region. CPC is expected to become a regional business center and a city with high-quality public space and infrastructure, attracting domestic and foreign investors. International investment is estimated to bring in \$15 billion and create 83,000 local jobs (Gupta 2021). Being included in the construction plan since 2011, after many pauses due to many economic and political factors, in May 2021, the CPC project was officially approved by the National Assembly of Sri Lanka with some amendments to the constitution of this country.

Secondly, China tries to control the Indian Ocean by increasing its military presence there. In the 1990s, the Chinese Navy (People's Liberation Army Navy - PLAN) did not visit ports



in the Indian Ocean region. Since 2010, PLAN has had an average of nearly 20 port visits per year in this region. In China's view, the Indian Ocean is controlled by China's rivals, including the US and India. Therefore, China has tried to increase its military presence in this region in recent years. The concept of China's "String of Pearls" strategy has shown the country's ambition to build strategic port points in the Indian Ocean to contain India. Increasing its military presence in the Indian Ocean is one of the most effective ways for China to expand its maritime power. To achieve its goal, China needs to develop strategic fulcrums in the Indian Ocean that can resupply and support the strategic role of China's maritime power.

One of China's successes in controlling the Indian Ocean was constructing its military base in Djibouti in August 2017. This development in Djibouti City is a key component of Beijing's dual strategy, encompassing the "String of Pearls" and the Belt and Road Initiative (BRI), central to China's objectives in the Indian Ocean. Djibouti City is the initial testing ground for establishing regional shipping routes and developing seaports, laying the groundwork for future military presence. China has expanded the wharf at this military base, providing sufficient capacity to accommodate a fleet of at least four ships, including the large Type 901 support ship. The PLAN has officially used one of the six berths at Djibouti's Doraleh multipurpose commercial port (The Economic Times 2020).

Another notable example is Gwadar, a strategically located deep-sea port in Pakistan, which has been invested in and leased by China until 2059. Gwadar holds significant importance as it is a crucial element of the China-Pakistan Economic Corridor (CPEC), with a substantial investment of approximately \$54 billion to establish transport infrastructure and foster industrial development within Pakistan. China has commercial and political interests in advancing the Gwadar Port in Pakistan. The port could provide Beijing with a connection by road and rail through the Strait of Malacca. Chinese goods could also take a shortcut through Pakistan instead of going around South Asia. Gwadar is considered a future overseas base for the Chinese Navy, complementing the existing base at Djibouti City in the Horn of Africa. The first report of China's plans to build a naval base at Gwadar emerged in January 2018. In June 2020, it appeared on satellite images of construction sites, including the protected complex (Sutton 2020). There are rumors that China deployed its marines there in March 2017 (Maritime Executive 2017). The process of China's naval base presence in Gwadar remains to be followed up. However, if this presence becomes a reality, PLAN can strengthen its capabilities in the Indian Ocean, along with warships or submarines, which could change the naval balance in the region.

China has successfully used "financial diplomacy" in the Indian Ocean region to build influence. Its economic strength has allowed China to compete and gain an edge in the race with other great powers, including India. China's growing presence and influence in the Indian Ocean today is undeniable.

## India

In the preceding era, the prevailing power asymmetry and persistent bilateral conflicts among the Member States of SAARC have hindered India's ability to establish robust bilateral partnerships. Furthermore, these circumstances have influenced the political dynamics and

foreign policy decisions of India's smaller neighbors, with attempts to exert hard power through military intervention and economic blockades yielding ineffective outcomes. This situation has even led to a growing inclination among these neighboring countries to distance themselves from India, thereby providing an opportunity for increased Chinese influence in the region. Under the leadership of Prime Minister Modi, New Delhi has adopted a fresh approach to foster better engagement with countries in the region.

In the political-diplomatic field, the Indian Ocean and neighboring regions of India have become a priority in India's foreign policy. Prime Minister Modi's vision for the Indian Ocean is the "Sagar" doctrine. Sagar means Ocean in Hindi and stands for "Security and Growth for All in the Region". According to this doctrine, India seeks an "atmosphere" of trust and transparency, peaceful settlement, and enhanced maritime cooperation. As soon as becoming Prime Minister of India, Modi invited the leaders of SAARC countries to attend the swearing-in ceremony. This first move is important to neighboring countries in India's foreign policy. Besides, India's leaders continuously visit most of the neighboring countries. Not only stopping at visits, but India also actively demonstrates its responsibility and influence in the region. India and Bangladesh have strengthened their ties through various initiatives, including the Land Boundary Agreement and energy, connectivity, and counter-terrorism proposals. These measures have fostered closer cooperation between the two nations (Communist Party of Vietnam Newspaper Online 2015). In addition, the termination of the Sonadia project with China, a deep-sea port southwest of Bangladesh (Dipanjan Roy Chaudhury 2020), is a clear sign that India-Bangladesh relations are growing and developing well. Relations with Sri Lanka have also been actively improved by India. The country has signed an agreement with Sri Lanka to provide a currency exchange service worth \$400 million to help Sri Lanka deal with the economic hardship caused by the Covid-19 pandemic, and the agreement has officially been in operation since February 2021 (Srinivasan 2021).

In particular, India is also trying to increase its presence in strategically located seaports. The country is developing the Iranian Port of Chabahar. This is Iran's only deep-sea port with direct access to the Ocean. India has approved an initial investment of \$85.21 million to develop the port. In December 2018, India took over Shahid Behesti Port operations in Chabahar, the first time India took control of a port on a foreign coast. The Port of Chabahar is strategically important due to its location in the Gulf of Oman and at the entrance of the Strait of Hormuz, allowing Iran to have direct access to the Indian Ocean. The Chabahar Port is also quite close to the Gwadar Port of Pakistan, which China is developing. The Port of Chabahar is also quite close to the Pakistani Port of Gwadar, which China is developing. Thus, by participating in the development of Chabahar Port, India will have a presence in a strategically important area of the world while also helping it to keep a close eye on China's developments in Gwadar Port. India commenced operations at Chabahar Port in May 2021 (Kumar and Verma 2021).

In the economic field, with concerns about Chinese investment in important ports such as Hambantota in Sri Lanka and Gwadar in Pakistan, India is investing in developing commercial ports and airports in the region. India can access ports such as Djibouti, the Reunion Islands near Madagascar, Diego Garcia in the southern Indian Ocean, and the Duqm Port of Oman. The Indian Navy also actively kicked off the Indo-Pacific Business Summit in 2018 to recognize the importance of the Indo-Pacific region (Verma 2020). In investment, India has shown flexibility

when cooperating with Japan to develop the “free corridor” plan by implementing infrastructure projects across Africa, Iran, Sri Lanka, and Southeast Asia. This is seen as a strategy to confront China’s unilateral infrastructure strategy BRI connecting Europe and Africa. In Eastern Sri Lanka, Japan and India are expected to participate in expanding the Trincomalee Port.

Moreover, the two countries will also cooperate in developing Dawei Port along the Thailand-Myanmar border. The “Asia-Africa Growth Corridor” plan will also focus specifically on Africa, especially East Africa, to unlock the region’s true economic potential. India and Japan will focus on exploiting the connection between the Mekong-India Economic Corridor (MIEC) with the Kenya-Tanzania-Mozambique Special Economic Zone (KTM) through Jawaharlal Nehru and Kochi Ports (Singh 2019). This Asia-Africa connection promises to bring many economic and strategic values.

It must be recognized that this cooperation aims to bring stability to the region in the context of China’s implementation of the BRI strategy, causing many countries to have doubts. In order to create an advantage over China’s BRI, India and Japan focus on improving the quality of infrastructure projects. On the other hand, BRI is creating worries for participating governments to join the project because of the quality of infrastructure. The quality of infrastructure will be one of the better attractions of cooperation of local governments preferring India and Japan. BRI strategy becomes a concern for India because of concerns related to national security. This led the government of India to expand cooperation with Japan as a response to China’s “expansion” moves. Strengthening relations and tightening cooperation between India and Japan will boost the Japanese economy and India’s development strategy to expand to the Indo-Pacific region.

In the security and military field, not only increasing and improving relations with neighboring countries in the region, but India is also trying to increase its military strength, especially its maritime power, to have better control over the Indian Ocean region. The “Make in India” initiative is one of the government’s approaches to the Navy’s modernization goals. Under this initiative, several major maritime projects have been carried out. They are estimated to be completed within 5 to 10 years, turning India into a country with a strong Navy by 2030. The Indian government is taking a multi-pronged approach to developing and achieving national capabilities while improving the infrastructure, supporting a holistic approach towards maritime modernization goals. Estimates are given that by 2030 if all the plans are carried out on time as planned, the Indian Navy will grow to deter any form of maritime threats in the Indian Ocean region.

India also sees Maritime diplomacy as a vital step in shaping its role in the Indian Ocean. The Indian Navy has conducted Exclusive Economic Zone (EEZ) patrols with Maldives, Seychelles, and Mauritius to provide a comprehensive live feed of ship activities in the Indian Ocean region, ensuring safety issues and non-traditional security at sea (Peri 2020). New Delhi also expands military ties with other major powers in the Indo-Pacific. This effort includes the Logistics Exchange Memorandum of Agreement signed with the US in August 2016. The agreement gives the two sides access each other’s military facilities for replenishment and refueling (The Hindu 2016). In 2018, New Delhi signed similar agreements to expand access to French facilities, particularly the Naval Base at Réunion and Singapore’s Changi Naval Base. India also signed a

fourth logistics agreement with South Korea in September 2019 and, on the other hand, finalized similar arrangements with Australia, Japan, and Russia.

India also actively participates in many bilateral and multilateral military exercises in the Indian Ocean. The MILAN exercise (MILAN is a biennial multilateral naval exercise incepted by the Indian Navy in 1995 at Andaman and Nicobar Command), organized by the Indian Navy most recently on 8 November 2019, with the participation of the navies of 17 other countries. This exercise for 2020, although not yet held due to the impact of Covid-19, also marks the expected participation of the navies of 30 countries. It has proved India's position and prestige in expanding its military connectivity and influence in the Indian Ocean region. Another maritime event named Malabar between India, Japan, and the US aims to enhance cooperation and military skills among the participants. In the context of the Indo-Pacific strategy becoming increasingly clear and realistic, in 2020, India invited Australia to participate.

After the border clash with China in June 2020, India seems more determined to engage closely with the members of the Quad to counter China's assertiveness, enhancing New Delhi's position towards Beijing. Since June 2020, the Indian Navy has also increased surveillance and operational deployment in the Indian Ocean during the Galwan clash. India's military exercises and increased presence in the Indian Ocean region are important in counterbalancing China's power.

## CONCLUSION

The India-China competition is no longer limited to economic or military strength but has become a combination of many factors and spreads across many fields and locations. However, economics and security are the two most prominent areas. This competition can be seen through the following characteristics:

First, China has advantages in the Indian Ocean region, although China's presence raises many doubts about political and military purposes. China's approach to each country in the Indian Ocean region is considered quite flexible. China seems to have quite quickly and closely approached the countries in the Indian Ocean region through its economic strength. Using the Maldives as a prime example, the close ties between the Maldivian president and Beijing have resulted in a surge of infrastructure development projects within the country. China has completed the airport project in the Maldives following the cancellation of a \$511 million infrastructure deal with India by President Yameen's government. Official reports indicate that the Maldives has allocated several islands for China's development initiatives.

Furthermore, President Xi Jinping's visit to Myanmar in January 2020 marked the revival of the Kyaukpyu Special Economic Zone, which includes the controversial plan to construct the Kyaukpyu deep-water port. This project, financed by China with a significant aid package worth \$1.3 billion, holds strategic importance as it would enable Beijing to directly access oil supplies from the Middle East, bypassing the Strait of Malacca. This development becomes even more significant considering the ongoing maritime competition between India and China in the Indian Ocean and the South China Sea.

China has strategically partnered with several coastal states in the Indian Ocean, employing a defensive tactic to encircle India with a series of naval bases in preparation for

possible direct conflict. One notable example is Pakistan's Port of Gwadar, which serves as a means for China to enhance its energy security and establish connections between its western regions and the Indian Ocean. Furthermore, China's involvement in maritime and infrastructure projects in countries like Somalia, Kenya, Seychelles, and Mauritius positions China as a significant and long-lasting benefactor, providing these nations with economic benefits, technical assistance, and military support (Marantidou 2014, 7). It is crucial to acknowledge that the expenses associated with China's extensive megaprojects in the Indian Ocean region far surpass the costs and benefits of maritime shipping. Consequently, China's activities in the region primarily aim to assert its military presence, affirm its dominance, and advance its strategic ambitions in the Indian Ocean.

Second, in the face of competition with China, India has become more flexible and responsive in its policies towards Indian Ocean Region. Maldives is a prime example. India has been quite flexible regarding China's growing presence in Sri Lanka. It has taken advantage of closer ties with the Maldives. In October 2020, EXIM Bank of India signed a credit agreement for \$400 million for the Greater Male Connectivity Project (The Indian Express 2020). It is believed that this project would be the second most important connectivity project in the Maldives, after the project of China-Maldives Friendship Bridge which connects the Hulhule Airport with the capital's island. The current aid package complements the previous \$800 million credit, one of the largest loan packages India has made available to any country in the vicinity (The Economic Times 2020). India has also given Maldives \$1.4 billion in aid to overcome the consequences of the Covid-19 pandemic (Livemint 2020). The developments in relations with the Maldives have even led some Indian politicians to view it as a model for developing relations with its neighbors as part of the "Neighborhood First" policy. Furthermore, the growing competition with China may provide additional impetus for India to develop further its relationship with the US and other regional partners in the Indo-Pacific, such as Australia or Japan.

The competition between India and China in the Indian Ocean region presents opportunities and challenges for the coastal states. On the one hand, the interests of these two powers can create new prospects for the development of these states, offering investment projects that have the potential to transform their underdeveloped economies. However, this also exposes them to risks such as debt traps, political dependence, or becoming pawns in the power struggle between the two nations. Some countries in the region are hedging against China's growing influence by bolstering their defense capabilities and forming partnerships with other states. Conversely, some countries adopt strategies that align more closely with China or adopt a combination of approaches. Additionally, some countries view this competition as an opportunity to balance India's regional influence.

Fourth, China-India competition must be viewed more broadly in the Asia-Pacific region, focusing on the East Sea. India's strategy in the Indian Ocean can be considered defensive realism - as a response to the threat of Chinese influence. Particularly, India is securing its economy and energy dependence, confirming its visible presence in the South China Sea.

The Act East Policy has helped India increase cooperation with Southeast Asian countries. Moreover, New Delhi has developed "one of the largest and most powerful navies in the world" (Katyal 2014), not only to gain dominance in the Indian Ocean but also to expand its reach beyond its water borders. India is trying to have a stronger presence east of the South China

Sea. India's role in the disputed territories in the South China Sea is being consolidated. China's Defense White Paper asserts that new threats have emerged from hegemony, power politics, and neo-interventionism, as well as intensifying competition to redistribute power, rights, and interests: "On issues related to China's territorial sovereignty as well as maritime rights and interests, some of its distant neighbors have taken provocations Chinese military by reinforced their military presence on China's reefs and islands that they are illegally occupied" (The State Council Information Office of the People's Republic of China 2015). Nowadays, the Indian Ocean and the South China Sea are becoming more interconnected because the Indian Ocean and the South China Sea play more important roles in India and China's economy, energy, and national security.

For the Indian Ocean region in particular, India-China competition focusing more on maritime is gradually taking shape. It could create a military power race here. Therefore, the region will also face various challenges as there is an increase in military intervention. Competition between China and India in the context of the two countries still has many tensions, leading to each country's efforts to strengthen military control over the Indian Ocean region. However, this competition tends to serve as a balance between the two countries, motivating them to develop regional power rather than allowing a single dominant state to become a hegemon. For India, it is crucial to cooperate with Japan to preserve and strengthen its influence, which serves as a wise choice in countering the strategies of its neighboring giant, China. Simultaneously, India strives to position itself as a mediator between China and the United States, aiming to maximize its advantage in the Indian Ocean region. This strategic approach allows India to navigate the complex dynamics between the two global powers and leverage its position effectively.

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# SCRUTINIZING ANTI-CORRUPTION INITIATIVES IN EUROPE: LESSONS TO LEARN FOR INDIA?

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**Abstract:** *Many studies have concluded that corruption hinders economic expansion by threatening the viability of the public budget and reducing the capital available for infrastructure development and social welfare. Thereby cultivating social inequality and eroding trust in the state and institutions. In recent decades, the European Union (EU) and India have experienced multiple corruption cases, including bribery, embezzlement, and abuse of power. Consequently, some EU nations and India have attempted to implement legislations and frameworks to curtail corrupt practices. The impact of adopted approaches can be witnessed in the contrasting scores and ranks of both regions on the Corruption Perception Index. Therefore, considering the distinctiveness in the efficacy of the approaches adopted by both of these regions, this paper intends to explore the efficacy and limitations of anti-corruption initiatives and frameworks implemented in the EU region and, subsequently, recommend the adoption of a similar approach which may prove to be beneficial in addressing the pressing issues of political and bureaucratic corruption in India.*

**Keywords:** *Corruption; Bribery; Anti-Corruption Framework; Vigil Mechanism; Transparency; Technology*

## INTRODUCTION

Corruption is a deep-rooted societal concern that affects every nation worldwide by causing a detrimental impact on governance, economies, and societies. It erodes public trust, hampers infrastructure development, widens inequalities, and undermines the fundamental principles of justice, fairness, and integrity. In severe circumstances, corruption would lead to the state's delegitimization, which would cause political and economic instability. Consequently, because of the associated uncertainty, private businesses are less likely to commit to long-term development strategies, which makes sustainable development even more difficult to achieve (Kaplan and Akçoraoğlu 2017, 363). Hence, it is often contended that the impact of corruption on societies is pervasive and multifaceted, as it affects the economy, equality, and development.

Furthermore, it perpetuates a cycle of poverty, injustice, and social divisions by hindering progress and undermining the very fabric of societies (Gebeye 2012, 40). The issue of corruption is particularly prevalent in developing nations such as India, and its impact on these countries can be far-reaching and detrimental as the high level of corrupt practices leads to the diversion of funds and resources away from critical sectors such as education, healthcare, and infrastructure. Besides, the recurring instances of corruption exacerbate poverty and widen socioeconomic inequalities as it disproportionately affects the most vulnerable and marginalized populations who rely on public services and assistance. According to Nwankwo (2013), the

resources meant for poverty alleviation programs or public welfare are embezzled or misused, depriving those who need essential support and perpetuating cycles of poverty. Moreover, from the perspective of corporations and businesses, the level of corruption in the nation poses a compelling deterrent to FDI because Investors are often reluctant to commit capital to countries where corruption is rampant, as it increases the risk of unfair competition, arbitrary decision-making, and obscurity in enforcing commercial contracts or seeking legal remedies (Runnels et al. 2012, 295). To combat this pervasive problem, governments worldwide have implemented various anti-corruption measures, such as enacting preventive laws and regulations that criminalize corruption, bribery, embezzlement, and other corrupt practices. This legislation sets a deterrent effect and provides a legal basis for investigating, prosecuting, and punishing offenders. At the same time, few nations have undertaken a formidable step of establishing the institutions, such as anti-corruption commissions or Ombudsman offices, that are empowered to investigate corruption cases and set accountability of the alleged officials (Meagher 2004). Meanwhile, citizens are also encouraged to report instances of corruption through steady vigil mechanisms, as there are various examples wherein the nations have ensured the protection and anonymity of whistle-blowers. In addition, it has been realized that addressing the issue of corruption requires global collaboration.

Consequently, various nations have established international initiatives, such as the United Nations Convention against Corruption (UNCAC), to share best practices, exchange pertinent information, and strengthen anti-corruption efforts collectively. It has been noticed that these anti-corruption measures play an indispensable role in combating corruption. Nevertheless, they are not always effective due to various challenges and factors, as corruption often involves influential people or groups who tend to exert their political influence to protect themselves and undermine anti-corruption efforts. This political interference often hinders investigations, obstructs justice, and leads to selective enforcement by eroding the effectiveness of anti-corruption measures (Webb 2005, 191-229). Besides this, corruption is considered an adaptive and constantly evolving phenomenon. New forms of corrupt practices can emerge to counter existing legislation, making it challenging for anti-corruption measures to keep pace (Meagher 2004). On top of that, these measures require adequate resources such as appropriate funding, the appointment of trained personnel, and the inclusion of the latest technology to investigate and prosecute corrupt officials effectively. Therefore, the insufficient allocation of resources and limited capacity often impede the efficiency and effectiveness of these anti-corruption efforts, leading to delays, backlogs, and compromised outcomes (Meagher 2004).

Accordingly, this paper will explore the anti-corruption frameworks implemented in European nations while elaborating on the various initiatives and steps for continuous monitoring. After that, the paper will also take cognizance of Europe's cooperation with the international legal framework while discussing the limitations and efficacy of its anti-corruption measures. Subsequently, the paper will scrutinize the efficiency and infirmity of the anti-corruption framework adopted in India, followed by reviewing the indicators of measuring corruption through Transparency International's Corruption Perception Index (CPI) of a few European nations and India. Finally, the paper will attempt to recommend adopting such measures in India, which proved to be efficient in curbing corruption in European nations that fared better in the CPI.

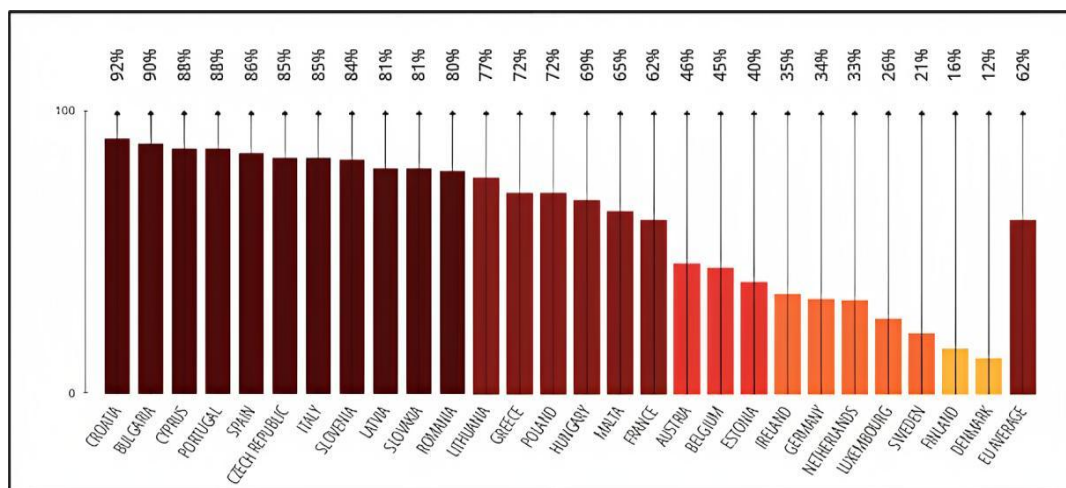
## EUROPE'S ANTI-CORRUPTION FRAMEWORK

Europe has proactively recognized that a robust economy is necessary for executing the growth plan of the Union. However, economic growth alone was insufficient to achieve the ambitious targets. The leaders of the EU have realized that institutional aspects like effective leadership, the rule of law, and the prevention of corruption are also important and will play an imperative role in its growth (Nwabuzor 2005, 121-138). Hence, by concentrating on legislative actions and improved scrutinizing of defiance with these initiatives, the EU has lately made constructive progress against corruption (Obradović et al. 2016). Some of these initiatives resulted from the practical implementation of international treaties and agreements that intend to combat corruption in the global economies (D'Souza 2012, 73-87). For instance, most members of the OECD Anti-Bribery Convention have been motivated to draft and legislate domestic legislation that adheres to the Convention's standards. Subsequently, the United Kingdom enacted UK Bribery Act (UKBA) in the year 2010, which took the inferences from the United States Foreign Corrupt Practices Act (FCPA), which entails antagonistic methods to uproot corrupt practices (Obradović et al. 2016).

Concerning the felicitous implementation of the anti-corruption framework, the citizen's perception and experience related to corruption plays a cardinal role. The European nations rely on Transparency International's Global Corruption Barometer (GCB), which has gathered information on people's experiences and perceptions of corruption worldwide since 2003. It supported a common belief about corruption in Europe, i.e., 62% of the 40000 respondents said that government corruption was a major issue in their nation (Figure 1) (Barometer 2019, 243). With more than 50 percent of the respondents feeling that personal connections and bribes are frequently used to gain official contracts and a comparable number believing that commercial interests govern their respective government, it also manifested that EU residents were concerned about the strong relationships between politics and business. According to the report, governments must take more action to combat the problem, as more than 106 million individuals in the EU are affected by minor corruption due to bribery or personal relationships. Additionally, nearly 50% of EU citizens believe their government is not doing enough to combat corruption. Hence, it is deduced that both national governments and the EU must collaborate constructively to cure this conjecture.

Considering the country-specific example, in Cyprus, as per the Transparency International Report 2021, most people (88%) believe corruption has worsened in recent months. These impressions have been fueled, among other things, by controversies surrounding Cyprus' "golden passports" program, also known as the Cyprus Citizenship by Investment Programme. This government initiative grants citizenship to foreign individuals who invest significantly in the country's economy. The program was launched in 2013 to stimulate foreign direct investment (FDI) in Cyprus, which was gravely affected by the global financial crisis.





**Figure 1: Percentage of People who Believes that Corruption is an Issue in their Respective Nation**  
(Source: Global Corruption Barometer - European Union 2021)

Under the program, non-EU citizens could obtain Cypriot citizenship by investing at least €2 million in real estate, a Cypriot business, or government bonds. In addition to this requirement, applicants must meet certain criteria, including a clean criminal record and pass a due diligence check (Mavelli 2018, 482-493).

This program has been controversial, with critics arguing that it has the potential to be used for money laundering and allied forms of financial crime as there is always a possibility that a person commits a crime or financial fraud to generate funds in his home country and before it is detected in his home country or properly verified by the citizenship-granting state, the person attains the citizenship. Such a person can also take advantage of weak implementation procedures and bribe the officials of the citizenship-granting state to obtain a clean verification certificate. Meanwhile, a few investigative journalists found that several convicted criminals, wanted fugitives, and politically exposed people had procured citizenship from Cyprus in 2020. As a result, more than 85% of the native populace believes the government might be doing more to fuel corruption. In response to these concerns, the Cypriot government has tightened the rules surrounding this program, including increasing due diligence checks and imposing stricter investment requirements. After that, the concerned government announced that it would discontinue the Golden Passport Programme following allegations of corruption and abuses of the scheme. Thus, it was officially abolished in November 2020 (Sumption and Hooper 2014).

Similarly, at least two-thirds of the population share this opinion in Bulgaria, Croatia, and the Czech Republic. Whereas, irrespective of the fact that in countries like Denmark, Finland, Luxembourg, and the Netherlands, more than 60% of the population believes that their governments are doing phenomenally well in combating corruption and, in Austria, Ireland, Malta, Slovakia, and Sweden, more than 50% of respondents concur to this belief (Mensah 2014, 255). Furthermore, most EU citizens, i.e., almost 52%, have doubts about the competitiveness with which government contracts are awarded. Instead, they believe that bribery or personal ties are frequently used in their respective nations to influence how government tenders are procured (Bunciu and Dan 2022). Moreover, 32% of Germans believe that a few commercial



interests control the government (Bussmann et al. 2018, 255-277). Further, half of the German population believes businesses frequently use kickbacks or contacts to get government contracts. This can result from murky procedures and several controversies (Bovis 2012).

### **Anti-Corruption Initiatives**

The majority of EU nations have put in place organizational and legal structures to combat the practice of corruption. In 2003, the EU published its framework for combating corruption in the private sector to make both active and passive bribery illegal (France 2019). The framework begins with separating the types of bribery into active and passive. According to Article 2(a) of the concerned framework, active bribery is defined as “promising, offering or giving, directly or through an intermediary, to a person who in any capacity directs or works for a private sector entity an undue advantage of any kind, for that person or a third party, so that that person should perform or refrain from performing any act, in breach of that person’s duties” (Council Framework Decision 2003/568/JHA). Whereas, Article 2(b) defines passive bribery as “directly or through an intermediary, requesting or receiving an undue advantage of any kind, or accepting the promise of such an advantage, for oneself or a third party, while in any capacity directing or working for a private-sector entity, to perform or refrain from performing any act, in breach of one’s duties” (Council Framework Decision 2003/568/JHA). The follow-up report in the year 2007 revealed that only the United Kingdom and Belgium have complied with the recommendations conveyed by the EU’s framework (De Vel and Csonka 2000, 361-380). Although the number increased to 9 in 2011, these Member States have failed to provide adequate data and statistics about instances of active corruption and prosecution in the privatized sector of their own countries (Batory 2012, 66-82). Therefore, the European Commission eventually concluded that it could not conduct the impact analysis of the framework resolutions implemented by these concerned states. Taking note of the lacuna of data collection and reporting, later that year, the European Commission crafted a reporting mechanism for corrupt practices to systematically gauge the anti-corruption actions of EU countries (Eckes and Konstadinides 2011). This mechanism is an integral component of the Stockholm Programme, an initiative of the EU Council as it formed a cooperation with the Group of States against Corruption (GRECO) of the Council of Europe to create a comprehensive anti-corruption plan (Fard and Hassanpour 2016, 47). It was believed that the enduring ambition of this reporting mechanism is to give the EU’s anti-corruption system and benchmark its international credibility by filing compliance reports every two years. Thereby, in 2014, the maiden EU corruption report was published, wherein the stature of every Member State was assessed, focusing on both their anti-corruption strengths and shortcomings (Hoxhaj 2019).

Furthermore, the report by OECD criticized the anti-bribery laws of Spain, the Netherlands, and Austria as being very weak in curbing corruption in their respective jurisdiction (Schmidt-Pfister and Moroff 2013). It further disclosed that none of these countries had convicted a single person since 1999. Thereon, in early 2012, France also came under fire for the same reasons because, despite the significant impact French companies have on the global economy, France had only initiated 30+ criminal investigations and imposed less than 20% of convictions since the ratification of the Convention in the year 2000 (Osrecki 2015).

Concerned with such a disparaging report, the Netherlands government intensified its efforts to formulate the integrity policies to be followed by government offices. Subsequently, the Office for the Promotion of Public Sector Integrity, a distinct entity, was established by the Dutch Ministry of the Interior and Kingdom Relations, to assist government institutions in enforcing the integrity policy standards (Osrecki 2015).

After that, it was also noted that Spain's anti-corruption prosecution office had succeeded in taking cognizance and convicting intricate systems for illegal party funding. Besides, the same OECD report has also applauded the United Kingdom, Switzerland, and Germany for their effective and specialized anti-corruption prosecution office while referring to UKBA be the most comprehensive set of anti-bribery laws legislated in the EU (Sampson 2012, 185). This Act specifies four distinct offenses, i.e., (i) offering, promising, and giving a bribe, (ii) requesting, agreeing to receive, or accepting a bribe, (iii) bribery of foreign public officials, (iv) failure of commercial organizations to prevent bribery. Besides, sections 1 to 6 of the Act define various corruption instances. At the same time, section 7 of the Act goes a step ahead in criminalizing the failure of corporate organizations to prevent corruption. This provision encourages businesses to take the initiative and establish their peculiar internal control measures to ensure a bribery-free working environment. Therefore, it is considered a more stringent regulation than the United States' FCPA.

Other EU nations, such as Germany, were recognized for achieving favorable outcomes in prosecuting corruption cases and implementing preventative measures regarding local procurement, particularly in the real estate sector. The effective measures include creating and implementing codes of conduct for bidding and awarding contracts, regular rotation of employees, explicatory rules against receiving gifts, organizing tender processes, snowballing the use of e-procurement, and others (Shehaj 2020, 250). Concurrently, Finland has made great strides toward implementing a transparent political party finance mechanism by implementing GRECO's suggestions. The system is designed to prevent corruption and fortify the accountability of the political parties to their constituents. Under this Finnish system, the political parties receive numerous public funding based on the number of votes they secure in elections. In addition to this, parties can also acquire general donations from individuals and legal entities, but these donations are subject to stringent regulations. All political donations must be reported to the National Board of Patents and Registration (NBPR), which maintains a public register of political donations. This register is a public document available online and can be accessed by any citizen. As per the concerned policy, the amount that can be donated to a political party by a person in Finland is confined to €30 k *per annum*. Whereas donations from foreign individuals or organizations are prohibited, donations from indigenous Finnish companies are subject to strict limitations. Thereon, after receiving the donations, political parties in Finland are expected to submit annual financial statements to the National Audit Office, which reviews these reports to ensure appropriate compliance with the applicable law. Hence, it has been observed that this mechanism is designed to ensure transparency in the funding of political parties and setting accountability for their constituents. By ensuring transparency and accountability in political funding, the system helps to prevent corruption and promote public trust in the political process (Nassmacher 2006, 455 ). Thereby, the technicalities of this mechanism might now become a

model law for other EU states in this regard. Besides this, other nations, such as Italy, have supported a coordinated anti-corruption campaign across Western Europe.

Nonetheless, the fruitful outcomes that the governments of EU nations have thus far attained have positively impacted the entire ecosystem of anti-corruption initiatives in Western Europe. Consequently, corrupt practices are sporadic events in Nordic Europe and EU nations. Eventually, the significance and impact of the problem, the possibility of cascading policy effects, and the ability to identify future actions that are both constructive and practical were all taken into consideration while choosing and analyzing the important concerns. The collective reports revealed that the plentiful corruption instances implicating the misuse of EU funding have shown that public procurement is still one of the most susceptible sectors of wrongdoing (Mendelski 2021, 237-258). Subsequently, toward the later part of 2014, the EU's public procurement legislation package was updated and released. The principal changes pertained to public works, service contracts, concessions, and supply governed at the EU level and procurement in electricity, public works, conveyance, water, and mailing services. Therefore, in a practical context, the newly implemented act established warnings and red-flagging mechanisms to discover fraud and corruption and scrutinize the application of public procurement standards.

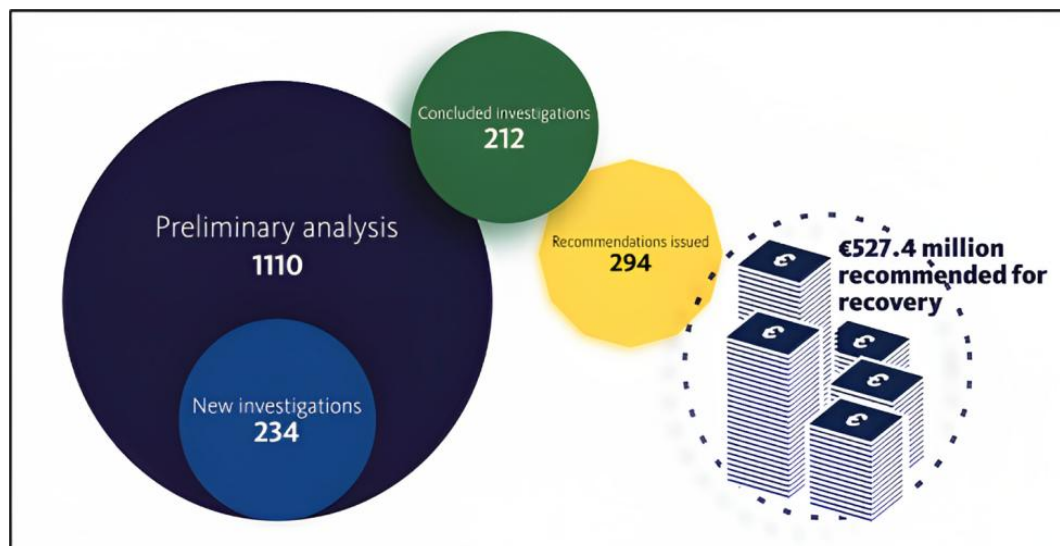
Furthermore, the EU also recognized the need to implement enforcement measures at the national and organizational level, which requires the collaboration of the judiciary and law enforcement agencies. Consequently, the European contact-point Network against Corruption (EACN) was implemented; it primarily focuses on practical concerns important to those investigating corruption-related cases. The Commission recognizes a lack of reliable national data regarding cases investigated, prosecuted, and sanctioned due to incomplete or nonexistent statistics provided by the Member States.

### **Statutory Bodies and Continuous Monitoring**

The European Anti-Fraud Office (OLAF) was established to continuously monitor anti-corruption initiatives in the late 1990s. It was given the responsibility of uncovering fraud and corruption that pose a threat to the financial interests of the EU. In 2021, OLAF issued over 3000 recommendations for implementing administrative, judicial, and disciplinary measures by national and EU competent authorities. These actions aim to recover approximately €8 billion from the EU budget. Figure 2, mentioned below, displays the number of settlements by OLAF in 2021. It can be concluded that OLAF's investigative work has gradually led to the return of improperly spent funds to the EU budget, the conviction of offenders in national courts, and the enhancement of anti-fraud measures throughout Europe.

The European Public Prosecutor Office (EPPO), developed through the EU enhanced cooperation mechanism, is poised to become one of the core components of the EU's anti-corruption system (Herrnfeld 2021, 655-673). The PIF Directive defines the EPPO as the first ever supranational EU public prosecution body with authority to investigate and bring cases against illegal activities against EU financial interests. Its purview extends to crimes "inextricably related" to the offenses listed above. The EPPO began doing business in June 2021 and opened its first investigation into a significant corruption case in July 2021. Furthermore, as a matter for

continuous monitoring, the European Union Commission of Communication on Fighting Corruption published a biannual EU Anti-Corruption Report (EU ACR) in the year 2011 as a response to the EU's absence of a comprehensive evaluation mechanism to track and evaluate Member States' anti-corruption activities (Melnik et al. 2021).



**Figure 2: OALF Case Load in 2021 (Source: European Anti-Fraud Office Report 2023)**

Group of States against Corruption (GRECO), the working group of OECD on bribery, the review mechanism of UNCAC, and the EU's systems were among the international datasets and assessment mechanisms to be expanded upon in the first report, issued in 2014 (Rose 2020, 55). Besides the report also used data from Eurobarometer surveys and various other sources from the academic community and civil society. The decision by the Commission to stop publishing the EU ACR in the year 2017 following the release of its second report was sharply criticized by the European Parliament, think tanks, academics, and civil society organizations.

As a consequence of this seizure, the assessment of Member States in placing anti-corruption efforts at the EU level has remained incoherent and limited in scope, with various systems evaluating just some components of the pertinent activities of certain Member States. One of these measures is the Cooperation and Verification Mechanism (CVM), which was placed for Bulgaria and Romania when they joined the EU and has since served as a de facto perpetual safeguard for these two Member States. It is considered a tool to keep the two nations' reform momentum going and prevent a rollback of the rule of law improvements implemented during the EU accession discussions. In the case of Bulgaria and the battle against organized crime, it offers particular yardsticks for the extent of judicial transformation and anti-corruption efforts. The Commission stated in a November 2022 progress report on Romania that it could now finish the CVM for this Member State and move forward with monitoring the legal system and anti-corruption initiatives under the rule of law toolbox. Another tool for evaluating the effectiveness, caliber, and independence of the Member States' judicial structures is the EU's Justice Scoreboard (Strelkov 2019, 15-27). Given its breadth, it only targets a few extremely specific concerns, such as combating corruption in the court and how prosecution services

handle corruption cases. The yearly rule of law report, a new mechanism launched in 2020, is constructed around four topic areas, with the anti-corruption frameworks being one of them. It now incorporates data from both the CVM and the EU Justice Scoreboard. Since its main objective is to enhance the synchronization of financial, budgetary, and employment policies throughout the EU, the European Semester of Economic Governance also sees corruption from a particular perspective. In this regard, just a few Member States have received recommendations from the European Semester reports about corruption (Zeitlin and Vanhercke 2020). Considering the summary of this report, a few researchers have acknowledged that controlling corruption is gradual and arduous. Romania and Bulgaria have been observed to make occasional progress, but at times they have also appeared to be stagnant or even declining (Mungiu-Pippidi 2019). Nonetheless, the CVM process has assisted both nations in advancing constructive reforms as the respective governments of Romania and Bulgaria have retaliated to the peculiar recommendations in the CVM reports, firmly implying that there would be less reform in the absence of the CVM. Additionally, they believed the thorough monitoring and evaluation documented in the reports, political pressure, and tangible consequences might produce significant positive outcomes (Toneva-Metodieva 2014, 551).

### **Adoption of International Legal Framework**

In addition to their respective approaches, the EU's Member States' laws, rules, and policies have been significantly induced by international conventions, norms, and recommendations, particularly those issued by the Council of Europe, the OECD, and the United Nations. These tools are an outcome of what has evolved into world collaboration based on the general agreement regarding the fatalistic consequences of corruption. However, the first anti-corruption rules and agreements were not implemented until the end of 1990. Thereon, cooperation was promoted by first concentrating on global trade bribery (Greenleaf 2012, 68-92). The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, approved by twenty-three EU Member States thus far, was adopted. The OECD Working Group on Bribery in International Business Transactions was established to track the parties' progress.

Additionally, the OECD issued a new recommendation in 2021 to supplement the Anti-Bribery Convention and improve its implementation. The first worldwide anti-corruption statute, whose provisions went beyond criminal law, was proposed in the UNCAC. The quasi-global treaty addresses five key issues, including corruption prevention and criminalization. In terms of prevention, the convention outlines a plethora of steps that States parties are required to take, including encouraging the transparency, integrity, and accountability of public officials while guaranteeing appropriate public procurement systems and establishing a supervisory regime to spot and preclude the instances of money laundering. Over and above that, the UNCAC identifies factors that State parties must consider, such as maintaining openness in political party finance, avoiding conflicts of interest, establishing ethical conduct for officials, and making it easier to denounce public official wrongdoing (D'Souza 2012). The Council of Europe has acknowledged corruption's serious harm to political institutions and its clear danger to democracy.



Consequently, it has adopted several standards, including the 20 guiding philosophies for the brawl against corrupt practices and the direction on common guidelines against corrupt practices in the illicit funding of political parties and their polling campaigns, as well as the Civil and Criminal Law Convention, to take a comprehensive approach to the issue. Both the Conventions mentioned above have been endorsed by all Member States. GRECO, the most comprehensive mechanism in Europe for monitoring corruption, closely monitors the implementation of the two conventions. So far, it has undertaken five series of reviews and compliance monitoring. The EU has been given observer status in GRECO, although the 27 EU Member States participate individually (Plaček et al. 2019).

### **Limitation of the Initiatives**

Several EU Member States are ranked among the least corrupt nations according to global corruption indices (Table 1). However, according to the reports on the Rule of Law, there are still many problems to be solved, as the concerned data from Eurobarometer indicates that corruption is still a major concern for people in the EU (Mungiu-Pippidi, 2019). In 2022, almost less than 70% of Europeans considered corruption pervasive in their nation, while just 30% of natives assumed that their government's attempts to prevent corruption were successful. Concurrently, the GCB report on the EU claims that almost half of the citizens of respective nation-states in Europe refrain from reporting corruption cases due to fear of retaliation from the government and institutions. The report's observations revealed that many whistle-blowers experience retribution, including dismissal, criminal charges, or even physical damage.

Consequently, the Whistle-blower Protection Directive, which includes several groundbreaking rules, was enacted by the EU in the year 2019. This directive offers multiple reporting options, prohibits retaliation against whistle-blowers, and safeguards their identities. However, it has significant flaws, including the limitation that, in certain cases, it only protects those reporting violations of EU law and not individuals reporting violations of national law. Further, it has been contended that the gender of a person frequently determines whether they feel corruption can be disclosed without fear in the EU. It also has an impact on whether they hold the opinion that ordinary people can stop corruption. According to the collected data, women are less likely than males to agree with these statements on how safe it is to expose and combat corruption. Concerning the pertinent reports, it is impossible to measure the precise level of corruption, yet even the most modest estimates indicate that it costs the EU economy approximately 120 billion euros annually (Everett et al. 2007, 542).

### **Efficacy of the EU's Initiatives**

Anti-corruption measures in Europe have also had varying degrees of success. Some EU nations have made significant progress in combating corruption through reforms such as improving transparency, strengthening independent oversight, and increasing penalties for corrupt behavior. Nations such as Denmark, Sweden, and Finland consistently rank as some of the least corrupt in the world, conforming to CPI (Table 1). These countries have implemented various measures to promote transparency and accountability, including strict anti-bribery laws,

effective whistle-blower protections, and independent anti-corruption agencies. On the other hand, due to weak institutions, inadequate resources, and insufficient political will to tackle corruption effectively, corruption is deeply entrenched in certain sectors, such as law enforcement or the judiciary, in the cases of a few nations such as Romania. The implementation of the CVM by the European Union has resulted in some progress in addressing corruption in the EU region (Toneva-Metodieva, 2014). At the same time, the establishment of OLAF is answerable for investigating fraud and corruption affecting the EU's financial interests. It works closely with national authorities and law enforcement agencies to determine and prosecute fraud and corruption cases. Evidence shows that it has significantly contributed to the ongoing tussle against fraud and corruption in the EU. Thereon, the investigations persuaded by OLAF have resulted in significant recoveries of funds. For instance, in 2018, these investigations resulted in the recovery of over €370 millions of EU funds lost through fraud and corruption. The investigations have also led to criminal prosecutions and convictions in many high-profile cases across the EU. It has been imperative to encourage transparency and accountability in using EU funds. It has developed a range of guidelines and best practices for managing EU funds, and it provides training and support to national authorities to help them prevent and detect fraud and corruption (Tickner 2017).

Similarly, adopting the EU Anti-Corruption Report (EU ACR), which provides a comprehensive overview of corruption across the EU and identifies areas where more action is needed to combat corruption, was proved effective. The core strength of the EU ACR is its emphasis on providing a comprehensive overview of corruption across the EU, which allows policymakers to identify common trends and challenges and develop strategies to combat corruption effectively. It covers various topics, including corruption in the public sector, political corruption, and corruption in the private sector. It has recommended the development of comprehensive anti-corruption strategies, the strengthening of whistle-blower protection, and the improvement of public procurement processes. The effectiveness of the EU ACR has been evaluated through various means, such as reviews and assessments by the European Commission, surveys of EU Member States, and feedback from stakeholders and civil society organizations. In 2018, EU Justice Scoreboard observed advancements in the capacity of EU Member States to counter corruption, citing refinements in various spheres such as judicial independence, freedom of the press-media, and active participation of civil society in curbing corruption. While, ACR of 2017 divulged that the majority of EU Member States had taken precautionary measures to strengthen their legal and institutional frameworks for combating corruption, with some countries discharging measures such as exclusive laws for the protection of whistle-blower protection, ensuring transparency in public procurement, and enhancing enforcement of anti-corruption regulations. Over and above, there is innumerable evidence that the EU's Anti-Money Laundering Directive has been compelling in promoting transparency and combating money laundering and terrorist financing across the region. The effectiveness of these directives has been measured through a spectrum of diverse mechanisms, including investigation and evaluations by the European Commission, assessments by the Financial Action Task Force (FATF), and national assessments carried out by individual member nations (Levchenko et al. 2018). In 2019, the EU's Supranational Risk Assessment (SNRA) found that the



peril related to money laundering and terrorist financing in the EU is significant but that the EU AML framework has contributed to improving the detection and prevention of these activities.

The FATF's 2019 mutual evaluation report on the EU found that the EU's AML framework is comprehensive and has contributed to high compliance with international standards. Hitherto, it can be contended that the EU has taken a comprehensive approach to controlling corruption, combining legislative measures, monitoring and reporting mechanisms, and financial support to promote transparency and accountability. Even though the area still has to do more to combat corruption, these measures have played an important role in promoting good governance and certifying the effective and efficient utilization of EU funds (Pavlidis 2021, 765-773).

### **India's Anti-Corruption Framework**

It has been observed that corruption is a pressing issue that plagues India's development and undermines its democratic fabric. To realize its full potential and ensure inclusive progress, the Indian government has attempted to confront corruption head-on with various initiatives, such as the Prevention of Corruption Act, which was legislated in 1998 to combat corruption in both the public and private sectors. The Act provides a legal framework to investigate and prosecute corrupt practices and establish stringent punishment for individuals involved in corrupt activities. This Act defines corruption broadly, covering offenses such as bribery, abuse of power, criminal misconduct, and possession of disproportionate assets. It also empowers law enforcement agencies, i.e., concerned police and the Central Bureau of Investigation (CBI), to investigate corruption cases while providing the provisions for the search and seizure of relevant documents, interception of communications, and recording of statements. Few stakeholders have criticized this Act for its lack of clarity and ambiguity in certain provisions, such as "criminal misconduct" and "possession of disproportionate assets", open to various interpretations, leading to inconsistent application and potential misuse.

Furthermore, few relevant provisions of this Act place a high burden of proof on the prosecution, making it challenging for a prosecutor to secure convictions in corruption cases (Solomon 2012, 901). The Act also contains a few provisions for the protection of whistle-blowers. However, the implementation and effectiveness of these protections have often been questioned (Solomon 2012, 901).

In 2005, the ruling government legislated the Right to Information Act (RTI) which enables citizens to access information from public authorities, promoting transparency and accountability. Under this Act, citizens can obtain government records, documents, and information. Hence, by providing access to the information, citizens have been empowered to expose corrupt practices, irregularities, and misuse of public funds. The Act also contends to uphold the fundamental right to freedom of speech and expression guaranteed by the Constitution. It recognizes the imperativeness of information as a fundamental right and enables individuals to exercise their right to seek, receive, and impart information.

Consequently, this Act was instrumental in promoting transparency and accountability in India. However, challenges and concerns are associated with its implementation, such as the backlog of cases and delays in providing information as public authorities often fail to respond within the stipulated time, leading to frustration among information seekers and hindering

timely access to information (Roberts 2010, 925). Further, the lack of awareness among the citizens hampers the full potential of the Act. Besides, there have been various instances wherein the information provided by public authorities is incomplete or inaccurate, defeating the purpose of transparency and accountability (Roberts 2010, 925).

After that, during the initial decade of the 21st century, India experienced various political corruption cases, and the concerned civil society officials realized the importance of forming a robust anti-corruption institution. Thus, in 2011, social activist Anna Hazare launched a hunger strike demanding the formation of an anti-corruption institution called the Lokpal. This movement gained significant public support and outlined the issue of corruption at the forefront of public discourse. In response to the public demand, the ruling government constituted a Joint Drafting Committee consisting of government and civil society representatives. The committee was tasked with drafting a bill to establish a Lokpal institution (Goswami et al. 2012). The Act contains provisions for establishing a Lokpal and Lokayuktas at the central and state levels. Hitherto, the Lokpal has jurisdiction over the central government employees, including ministers, Members of Parliament, and other gazetted officers. The Lokayuktas have jurisdiction over state government employees, including ministers, Members of the Legislative Assembly, and other executive officers. These ombudsmen can receive complaints and initiate inquiries into the proclamation of corruption against public servants. They also have the authority to investigate cases, conduct searches and seizures, summon witnesses, and gather evidence. This legislation was an important step in the fight against corruption as it offers a framework for independent oversight, investigation, and prosecution of corruption cases, aiming to ensure transparency, accountability, and integrity in public administration.

Nevertheless, due to the lack of political will and apparent conflict of interest, establishing the *Lokpal* (Ombudsman) and *Lokayuktas* (Parliamentary Ombudsman) has faced significant delays. The process of appointing members, setting up infrastructure, and operationalizing these institutions has been very bovine, affecting their ability to address corruption cases promptly. In addition, there was ambiguity regarding the jurisdiction and powers of the Lokpal and Lokayuktas, particularly concerning cases involving state government employees. Accordingly, the coordination and harmonization between the central and state institutions have been challenging, leading to confusion and delays in handling corruption cases (Rao 2017). In the same year, the Whistle-blower Protection Act, also known as the Public Interest Disclosure and Protection of Informers Act, was legislated to protect whistle-blowers who expose corruption, wrongdoing, or malpractices in government and private sectors. The key objective of this Act was to encourage individuals to come forward and disclose information in the public interest without fear of retaliation or victimization. The provisions of this Act extend protection to whistle-blowers from victimization, harassment, or unfair treatment by their employers or colleagues. It also prohibits any adverse actions such as dismissal, demotion, suspension, or transfer that may be taken against a whistle-blower by ensuring the confidentiality of the individual's identity. However, despite the provisions for ensuring protection, there have been instances where whistle-blowers have faced retaliation, victimization, or even threats to their safety. Hence, the effectiveness of the protection measures outlined in the Act has been probed. Furthermore, whistle-blowers lack dedicated support

systems regarding their counseling, legal aid, and assistance in filing complaints. Subsequently, experts contend that this Act lacks certain crucial provisions, such as ensuring safeguards for anonymous disclosures, rewards for whistle-blowers, and mechanisms for independent oversight (Sharma et al. 2018).

Moreover, India has engaged itself in profuse international collaborations and initiatives such as BRICS Anti-Corruption Cooperation, including the collaboration of other countries like Brazil, Russia, China, and South Africa. Besides, in 2010, the country became a member of FATF. This intergovernmental organization sets standards and stimulates the effective implementation of legal, regulatory, and operational measures to combat money laundering, terrorist financing, and other threats to the integrity of the international financial system. Thereon, in May 2011, India became a signatory to United Nations Convention against Corruption (UNCAC). It joined the Stolen Asset Recovery (StAR) initiative, a collaboration between the World Bank and the United Nations Office on Drugs and Crime (UNODC), to facilitate the recovery of stolen assets and their return to their rightful owners. Lastly, India has signed Mutual Legal Assistance Treaties (MLATs) with countries like the USA, UK, Canada, and Australia to facilitate cooperation in legal matters, including the exchange of information, receiving assistance in investigations, and affirming prosecutions related to corruption (Verma et al. 2019).

Irrespective of the numerous anti-corruption initiatives, measures, and international collaborations, instances of corruption remain a persistent and complex challenge in India, impeding efforts to eradicate this societal menace. The eradication of corruption has proven elusive due to various underlying factors, such as traditional customs, patronage networks, nepotism, and favoritism, perpetuating a culture where corruption is sometimes viewed as a norm rather than an aberration. In addition, political interference often impedes investigations, prosecution, and the functioning of anti-corruption institutions. At the same time, India's vast bureaucracy and complex administrative policies and procedures create opportunities for corruption to thrive (Quah 2008, 240-259). The lengthy and convoluted legislative processes often provide sufficient room for corrupt practices, such as bribery and red tape.

Furthermore, the absence of comprehensive whistle-blower protection and witness protection mechanisms creates a hostile environment for those who come forward. The fear of retaliation and lack of trust in the justice system deter individuals from reporting corruption, which impedes the efforts to hold the corrupt accountable (Quah 2008, 240-259). Lastly, weak enforcement, lack of judicial coordination, and the absence of swift and stringent punishment for corrupt individuals contribute to a culture of impunity, diminishing the deterrent effect of anti-corruption measures.

### **Corruption Measuring Indicators**

Assessing the level of corruption and identifying the efficacy of the initiatives of corruption in the concerned nation are both challenging. While most experts contest that corruption cannot be quantified because it is informal and concealed, they acknowledge its difficulties. The usefulness of accurate statistics is restricted. For instance, the number of investigations or convictions may be a good indicator of the level of corruption. However, the same quantity may also indicate how well the court or law enforcement handles corruption.

Additionally, there are few statistics or criminal records on corruption cases, which are of little significance, considering how frequently these crimes go undetected. Whereas, as pertinent as it seems, the corruption level is primarily measured through expert evaluation or public opinion surveys, which are sent to a random or representative sample of households or businesses, pertinent information is acquired. Such indicators have become increasingly common, making them the most important way to gather information on corruption. The two top composite indicators in the area currently are the World Bank's Worldwide Governance Indicators (WGI) and Transparency International's CPI. Numerous indicators based on ideas that are more general than corruption can be used to analyze corruption. The "quality of governance" (QoG) is one such idea, and it deals with topics like the prevalence of corruption, the efficiency of bureaucracies and the rule of law, and the sturdiness of electoral establishments. Likewise, many indicators built on more general ideas than corruption can be employed as a primary point for scrutiny of corruption. Accordingly, apropos of determining the efficacy of the anti-corruption initiatives in the European Union, the score and rank of a few nations according to the CPI through the period preceding five years can be considered.

Further, for effective data comparison, the base year has been taken as 2017 (Table 1). At the same time, the scores are computed out of 100. Further, the index retains a scale of 100 to Zero, wherein 100 is considered very clean, and zero (0) is cogitated to be relentlessly corrupt.

**Table 1: Corruption Perception Index from 2017 to 2021 (Source: Transparency International - Corruption Perception Index 2021)**

| Corruption Perceptions Index of European Nations |       |      |       |      |       |      |       |      |       |      |
|--|-------|------|-------|------|-------|------|-------|------|-------|------|
| EU Member States                                 | 2017  |      | 2018  |      | 2019  |      | 2020  |      | 2021  |      |
|  | Score | Rank | Score | Rank | Score | Rank | Score | Rank | Score | Rank |
| Denmark  | 88    | 2    | 88    | 1    | 87    | 1    | 88    | 1    | 88    | 1    |
| Estonia  | 71    | 21   | 73    | 18   | 74    | 18   | 75    | 17   | 74    | 13   |
| France   | 70    | 23   | 72    | 21   | 69    | 23   | 69    | 23   | 71    | 22   |
| Finland  | 85    | 3    | 85    | 3    | 86    | 3    | 85    | 3    | 88    | 1    |
| Germany  | 81    | 12   | 80    | 11   | 80    | 9    | 80    | 9    | 80    | 10   |
| Ireland  | 74    | 19   | 73    | 18   | 74    | 18   | 72    | 20   | 74    | 13   |
| Netherlands                                      | 82    | 8    | 82    | 8    | 82    | 8    | 82    | 8    | 82    | 8    |
| Portugal   | 63    | 29   | 64    | 30   | 62    | 30   | 61    | 33   | 62    | 32   |
| UK*  | 82    | 8    | 80    | 11   | 77    | 12   | 77    | 11   | 78    | 11   |
| Corruption Perception Index of India             |       |      |       |      |       |      |       |      |       |      |
| India  | 40    | 81   | 41    | 78   | 41    | 80   | 40    | 86   | 40    | 85   |

\*From 31 January 2020, the UK is no longer an EU Member State.

During the last five years, most European nations, such as Estonia, France, Finland, Germany, and Ireland, could improve their scores and lower their CPI rank. Denmark and the Netherlands have maintained their credentials. At the same time, Portugal and the United Kingdom could not maintain their perception score and rank in 2021 from the base year, i.e., 2017. On the other hand, India has maintained its score at 40 in the last five years, but due to relative ranking, its rank has been pushed down by five slots in the year 2021. As per the report, India's performance was impacted due to ongoing concerns over the democratic status and fundamental freedom of the citizens as the report alleged that the journalist, activists, and some civil society groups were targeted with charges of defamation, sedition, and hate speech.

Of the top 10 enlisted rankers, 8 are the European nations led by Denmark and Finland, followed by Norway, Sweden, the Netherlands, and Germany. Therefore, it can be concretely stated that the anti-corruption initiatives implemented by most of these nations have assisted them in faring better in this index.

### KEY TAKEAWAYS FOR INDIA

As discussed earlier, corruption is a multifaceted phenomenon that has implications for the economy, society, politics, and culture. Therefore, combatting corruption with a set of universally applicable tactics is impossible. Nonetheless, there exists some commonality of reasons and forms of corruption between EU countries and India. As in any other European country, the sovereign government in India works based on the welfare state concept, implying that the state carries out a lot of public service activities through a license or tender system. From obtaining a driving license to permission to open a shop, a person in India must contact public servants. According to Raghunandan (2018), a probe conducted by Ernst and Young and the Federation of Indian Chambers of Commerce and Industry (FICCI) on bribery and corruption indicates numerous reasons for corruption in India. Among them, weak law enforcement is the top reason.

Further, the requirement of contacting public servants several times to acquire authorization for an activity is the second most important reason for corruption in the country. The survey also holds the public responsible while stating that people's "lack of will" to get things done correctly and acquire unfair advantages is also a reason for corruption in India. Thus, it is evidenced that some of the reasons for corruption in European countries, as discussed in the beginning, are the same as in India. Therefore, the authors believe that taking cognizance of the efforts of the EU in lowering or stagnating the occurrences of corruption in the Member States, some of the policies and actions can be useful for India in moving towards introducing an efficient preventative approach starting with an immediate and appropriate response to occurrences, which may include disciplinary action where necessary and sensitive management and communication through media. Meanwhile, India can assimilate from the EU's experience in developing comprehensive and effective legal frameworks and institutions, such as anti-corruption agencies and special courts, to investigate and prosecute corruption cases. The EU has also strongly emphasized promoting transparency and accountability in public and private sectors through public procurement transparency, disclosure of beneficial ownership information, and providing anti-corruption training to public officials. India can adopt similar measures to augment transparency and accountability in its establishments. The Union has lately recognized the importance of engaging civil society and mass media in anti-corruption efforts. India can also benefit from greater civil society participation in its anti-corruption initiatives, including monitoring and reporting corruption cases and advocacy for anti-corruption reforms. Besides, the Indian judicial bodies can benefit from greater international cooperation in sharing information and best practices and investigating and prosecuting transnational corruption cases as the EU has endeavored through participation in international conventions and agreements, such as the UNCAC. In addition to referring to the EU's initiatives, India may consider gathering insights from the initiatives pursued by the respective EU Member States.

## **The Netherlands and Finland: Integrity in Public Services Administration**

Dutch's public services administration has fully promoted accountability, integrity, and transparency in every public interest transaction. Thereby, an independent organization, i.e., "Bureau Integriteitsbevordering Openbare Sector" (BIOS), emboldens and assists the public sector in developing and putting into practice integrity policies. Hence, Dutch Cities and Localities have implemented these integrity policies to improve the governance in local bodies. Likewise, to foster an entrepreneurial culture, reforms implemented in Finland during the early 1990s have led to a scenario where public employees are hired based on their competence and credentials. Lawfulness and integrity are seen as the top imperatives of public service values. In addition, dependability, eminence, expertise, and sincerity are perceived to be precarious for an effective public service. A similar stance has been adopted by the Union Public Service Commission (UPSC) in India, which plays a decisive role in promoting the integrity of Indian Civil Services by implementing a rigorous selection process of the bureaucrats. The Commission has also emphasized the significance of ethics by including an examination that tests aspiring civil servants' ethical and moral dimensions. This examination also assesses their understanding of integrity, honesty, accountability, and other ethical values essential for public service. In addition, the Commission also accentuates the training, orientation, and procedures for disciplinary actions on the appointed civil servants (Gupta et al. 2018, 98-120). Nonetheless, UPSC's role is limited to appointing bureaucrats and does not extend to appointing other public officials. Therefore, India can adopt the Dutch framework of extending these protocols of selection and training to the other officials appointed at cities or local levels.

## **Denmark: Penal Code**

Most corruption charges outlined in international anti-corruption treaties are forbidden under the Danish Criminal Code. Furthermore, bribing foreign public authorities and conglomerates is considered illegal; thus, the concerned organization is held criminally responsible for any corrupt incidents perpetrated by the employees acting on their behalf. Furthermore, bribes and felicitation outflows are treated equally. At the same time, the appropriateness of gifts relies on the purpose and the advantage they provide. In addition, active and passive bribery, embezzlement, deception, breach of trust, and money laundering are all prohibited in the Danish Criminal Code. Besides, paying off foreign public officials, bribing other corporations, and engaging in corporate espionage is illegal. Along the same lines, corruption is considered a serious offense in India, and the Indian Penal Code (IPC) contains several provisions ranging from sections 161 to 165 that deal with different aspects of corruption. In addition, the Prevention of Corruption Act specifically deals with bribery and corruption offenses by public servants. However, few provisions related to corruption in the IPC are often criticized for being ambiguous or open to interpretation, leading to confusion and inconsistency in the application of the law. While the penalties prescribed for corruption offenses in these legislations are not stringent enough to serve as a deterrent (Khan and Ramaswamy 2020). On that account, Indian legislators may consider amending the stringent



penalizing provisions in existing legislation along the lines of a comprehensive penal act like the Danish Criminal Code.

### **United Kingdom: Whistle-Blowers Protection/Foreign Bribery**

One of the primary purposes of Ireland and the United Kingdom's legislation to curb corrupt practices is to safeguard the public's interest by protecting employees or insiders who report workplace misconduct to the appropriate authorities. The applicable legislation in Ireland disregards the reasons behind whistle-blowing, in contrast to other nations where whistle-blowers must prove that their actions are "in good faith" or "in the public interest". Furthermore, according to the United Kingdom Bribery Act of 2010 (UKBA), corporate houses are now strictly liable if they do not stop affiliated individuals from bribing on their behalf. Thus, if employees or other connected parties engage in bribery, organizations are held guilty of failing to thwart bribery. Furthermore, the Serious Fraud Office of the United Kingdom (SFO) has a proven track record of looking into and prosecuting serious cases of international bribery, including those involving the operations of well-known UK-based companies (Bean and MacGuidwin 2011, 323). In India, Whistle-blowers Act 2014 is often criticized for not being exhaustive enough to provide safeguards and protection to the whistle-blowers. Thus, there is still scope for further strengthening and ensuring its effective implementation to provide comprehensive protection through the involvement of independent bodies like the UK's SFO.

### **Romania: Online Disclosures**

In order to check for possible incompatibilities, conflicts of interest, and balance-sheet disclosures of individuals holding public office, the Romanian government formed the National Integrity Agency (ANI) in 2007. Moreover, ANI has created a public platform where all assets and respective statements of interest made by those holding public office are publicized, along with keeping an updated track record of investigations and convictions. In India, the central government has implemented an online platform called the Central Public Procurement Portal (CPPP) that provides information related to government procurements, such as contracts, tenders, and vendors (Hazarika and Jena 2017). Nonetheless, when it comes to checking the assets of public officers, there is not a centralized online platform specifically dedicated to this purpose. Accordingly, India can also institute online tracking systems for tracing the resources and corroborating disclosures from public officials and bureaucrats.

### **Slovenia and Portugal: Technologically Advanced Systems**

Indicating the contracting parties, related legal entities, particulars, and purposes of transactions, the online real-time application incepted by the Slovenian Commission for Prevention of Corruption, referred to as "Supervizor", postulates data and info on the transactions of a wide range of public bodies. At the same time, Portugal has commenced a national website called BASE that serves as a clearinghouse for data on public procurement. The e-version of the Portuguese Official Journal and the recognized e-platforms provide data about



undefended and limited pre-award procedures to BASE. These technologically advanced systems and portals assist in detecting irregularities in transactions by refining transparency and setting accountability on concerned officials. At the same time, India has implemented a similar system, i.e., Central Public Procurement Portal (CPPP), which aims to provide transparency and efficiency in government procurement. Nevertheless, there are a few concerns related to its operations, such as the incompleteness of data, lack of standardization, delayed updates, usability, and technical issues (Hazarika and Jena 2017). Thus, the concerned departments should contemplate inculcating advanced technology to upgrade these existing mechanisms.

### **European Union: Funding of Political Parties**

Regulation on the Ruling and Financing of European Political Parties and Foundations was enacted by the European Union's Parliament and the Council in 2014. It intends to bring visibility, accountability, and transparency to European political parties and their concomitants in political campaigns. Besides, these regulations also postulate the conception of an independent authority which plays a crucial role in registering and controlling the transactions related to the funding of political parties. While in India, political party funding is governed by several laws and regulations such as the Representation of the People Act of 1951, the Election and Political Party Fund Scheme, the Income Tax Act of 1961, the Foreign Contribution (Regulation) Act of 2010, and introduction of electoral bonds. However, considering the applicability of various provisions, the framework of political party funding is often debated for lack of transparency. Political parties often receive significant funds through anonymous donations, making it difficult to ascertain the true funding sources. Besides that, there are various loopholes in the scheme of electoral bonds and provisions of the Income Tax Act apart from the non-requisite provisions on public disclosures and foreign and corporate funding. On that account, India can consider taking the reference of the European Framework, which is believed to bestow positive results in the EU regions.

### **CONCLUSION**

On a global, regional, and national scale, corrupt practices leading to corruption continues to be one of the most difficult obstacles to conquer. India has also struggled with corruption at various levels of government and society. As a result, corruption has been deduced as a major obstacle to India's economic growth, social development, and democratic governance. Meanwhile, along with the OECD, UN, Council of Europe, and other international organizations, the EU is continuously attempting to be the skipper in the anti-corruption movement while attaining cooperation from the Member States. Their anti-corruption legislative framework, which addresses issues such as money laundering, public procurement, corporate corruption, and other relevant corruption-related concerns, is always being adjusted, amended, and transformed towards betterment. These regular transformations in regulations and applicable laws set up the tone for developing nations such as India to introduce comprehensive anti-corruption mechanisms to circumvent the stagnancy in economic growth and ensure the appropriate usage of capital for the welfare of the public and inclusive development of the

country. On that account, it can be concluded that India can certainly benefit from the strategies adopted by the EU and its Member States, such as the Netherlands, Denmark, United Kingdom (former EU Member State), Romania, Slovenia, and Finland, adopting and endorsing these varied initiatives to their unique context. Nevertheless, it is predominant to recognize that tackling corruption is a tangled issue that requires a multifaceted approach. Hence, India will require a sustained effort from all sectors of society to address this mounting concern persuasively.

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# NATO'S ROLE IN THE POLICY OF NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND GLOBAL SECURITY: A SHORT OVERVIEW

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**Abstract:** *The purpose of this work was to determine what role NATO plays in the policy of non-proliferation of weapons of mass destruction in the modern world. The research primarily examined the threats that come from weapons of mass destruction and how it affects global security. As for research methods, to get reliable information. The methods of policy analysis and document analysis were used to analyze and describe the challenges faced by NATO in the non-proliferation policy of weapons of mass destruction. In order to obtain reliable and objective information, a wide range of documents, strategies, and scientific papers were analyzed. The mentioned study showed us that NATO's policy of non-proliferation of weapons of mass destruction faces many challenges and threats from aggressive states, terrorists, extremists, criminal groups, aggressive religious actors, and in the overall context, asymmetric and symmetric threats. The role of NATO is very important in the security policy of the alliance and the policy of non-proliferation of weapons of mass destruction in the world. NATO should be able to protect global security from weapons of mass destruction threats through pragmatic policy and dialogue.*

**Keywords:** *Weapons of Mass Destruction; NATO; Disarmament; Non-Proliferation; Global Security; Arms Control*

## INTRODUCTION

The world faces numerous threats and challenges that are increasingly difficult to combat. The global security environment necessitates proactive measures and the establishment of effective defensive security systems by states, regional organizations, and international bodies. In the 21st century, NATO continues to face the same threats it has encountered since its inception. These include international terrorism, cyber terrorism, nuclear terrorism, biological terrorism, hybrid warfare, aggressive non-state actors with religious motivations, hypersonic weapons systems, new missile technologies, autonomous weapons systems, and advancements in space and biotechnology. Among these threats, the proliferation of weapons of mass destruction poses an escalating danger due to growing conflicts and destabilization in various regions.

Moreover, the existence of aggressive states driven solely by their national interests further compounds these challenges. A prime example is North Korea, which serves as an illustration of such aggression. The development of new technologies has made it possible to easily manufacture and distribute certain elements of weapons of mass destruction. For this reason, it is very important to actively engage and influence NATO to prevent and eliminate threats from weapons of mass destruction, that is, to work actively in the direction of its non-

proliferation policy. All this requires the development of new approaches and strategies. Throughout history, the primary threat to humanity has been the emergence of destructive forces during armed conflicts, particularly when weapons of mass destruction are employed. Various definitions exist for weapons of mass destruction, but they generally refer to exceptionally potent and destructive weapons designed to inflict extensive casualties and cause widespread devastation.

## **THE ESSENCE OF WEAPONS OF MASS DESTRUCTION AND THE CURRENT THREAT TO THE WORLD**

Before delving into the discussion of threats and risks associated with weapons of mass destruction, it is crucial to establish their meaning and comprehend the essence of their proliferation. The United Nations General Assembly, in Resolution A/RES/32/84-B of 1977, endorsed the definition of weapons of mass destruction (WMD) as follows: “[WMD are] atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above” (CARUS 2012, 5). In the United States of America (US), according to the Department of Homeland Security definition, a weapon of mass destruction is a nuclear, radiological, chemical, biological, or other device intended to harm many people. The Department of Homeland Security works daily to prevent terrorists and other threat actors from using these weapons to harm Americans (Weapons of Mass Destruction 2023, 1). To better understand weapons of mass destruction, we can outline the acronym CBRNE, which represents Chemical, Biological, Radiological, Nuclear, and Explosive (Giorgadze and Guchua 2021, 109). Weapons of mass destruction can cause significant loss of life and inflict catastrophic damage upon cities, countries, natural environments, and the biosphere. These weapons are primarily classified as nuclear (including “dirty bombs”), biological, and/or chemical agents (Hayoun and Goldstein 2017). It is evident from this categorization how lethal and perilous these weapons can be, capable of annihilating humanity. It is crucial to acknowledge that if any of these components were to fall into the hands of terrorists or non-state aggressive actors, it could present the world with substantial and formidable challenges.

Weapons of mass destruction can be used in almost all types of modern warfare, on any terrain, suddenly and massively. Its use can have a catastrophic impact on the natural environment and biological diversity. The emergence and rapid improvement of means of remote delivery of weapons of mass destruction (primarily rocket and space technology) has led to radical changes in military art. The role of strategy has sharply increased since deep nuclear missile strikes against the enemy state made it possible to obtain huge strategic advantages quickly.

Here, it is important to focus on what reactions the spread of weapons of mass destruction can cause in different societies. The term weapon of mass effect (WME) describes the human reactions and events surrounding using a WMD that may result in limited or no casualties or physical damage. The mass effect may be sensationalized media reporting, panic, and social and political change (Purpura 2013, 1).

When discussing NATO's role in disarmament and non-proliferation policy, it is crucial to clarify the concept of disarmament. Disarmament means eliminating or abolishing weapons, particularly offensive arms, through unilateral or reciprocal measures. It may involve reducing the number of weapons or eliminating entire categories of armaments (Arms control, disarmament, and non-proliferation in NATO 2023). Pursuing a policy of disarmament holds significant importance due to the abundance of weapons worldwide that could potentially fall into the hands of non-state actors, terrorists, or criminals, who could employ them for malicious purposes and cause harm to individuals. Additionally, nuclear weapons are of particular concern, as nine states currently possess such capabilities. To reduce existing nuclear arsenals, NATO actively seeks cooperation with its allies to engage in discussions with nuclear-armed states, encouraging them to diminish their nuclear stockpiles.

In addition to the disarmament policy, pursuing non-proliferation is equally important and poses a significant challenge for NATO. To better understand, let us delve into proliferation and non-proliferation concepts. Proliferation entails the spread of nuclear weapons, nuclear weapons technology, materials, and information that could assist a state in developing nuclear weapons (Dorner 2018, 4). In the context of NATO, "non-proliferation refers to all endeavors to prevent the spread of nuclear weapons and, should it occur, reversing it through means other than military force". Non-proliferation encompasses efforts concerning weapons of mass destruction (including nuclear, radiological, chemical, and biological weapons) as well as conventional capabilities like missiles and small arms. Since the Cold War, NATO has contributed substantially to the non-proliferation policy, which is crucial in establishing certain security parameters globally.

### **NATO'S POLICY ON NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION**

Limiting the proliferation of weapons of mass destruction is recognized as a significant security concern in the 21st century (Guchua 2021, 55). NATO's engagement with its partners plays a crucial role in addressing this issue and fulfilling NATO's objectives. Establishing trust and confidence are essential prerequisites for effective counter-proliferation measures. Openness and transparency are fundamental for achieving the desired outcomes. Ensuring international security remains a pressing global challenge. The proliferation of nuclear and other weapons of mass destruction, including the employment of ballistic missiles, terrorism, border instability, cyber-attacks, and energy security, poses new threats to NATO (Cobo 2022, 35). Before discussing the non-proliferation policy of weapons of mass destruction, it is important to clarify its meaning. WMD proliferation refers to attempts by state or non-state actors to develop, acquire, manufacture, possess, transport, or transfer nuclear, radiological, chemical, or biological weapons or devices and their means of delivery or related material, including precursors, without prejudice to the rights and obligations of the States Parties to the following agreements: Treaty on the Non-Proliferation of Nuclear Weapons or Non-Proliferation Treaty (NPT); Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction (CWC) and Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons

and on their Destruction (BWC) (Arms control, disarmament and non-proliferation in NATO 2023, 1).

Nuclear disarmament and the fight against the proliferation of weapons of mass destruction are two of the most important aspects of international peace and security. There are numerous resolutions of the United Nations Security Council, as well as several international instruments, the most famous of which is the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the purpose of which is to achieve concrete progress in the field of disarmament and prevent the development of proliferation-related crises nuclear weapons.

NATO faces various complex challenges arising from the proliferation of weapons of mass destruction (WMD); chemical, biological, radiological, and nuclear (CBRN) materials; and their delivery systems. The Covid-19 pandemic has illustrated the massive impact of natural biological hazards on our societies, and CBRN materials pose an equally significant threat to NATO forces and populations. NATO's Combined Joint CBRN Defence Task Force supports NATO's efforts in preventing, protecting against, and recovering from WMD attacks or CBRN events (Combined Joint Chemical, Biological, Radiological, and Nuclear (CBRN) Defence Task Force, 2022).

NATO's security environment had grown more complex and challenging since 2009 when allies agreed to NATO's Comprehensive, Strategic-Level Policy for Preventing the Proliferation of Weapons of Mass Destruction (WMD) and Defending against Chemical, Biological, Radiological and Nuclear threats (CBRN) (NATO's Chemical, Biological, Radiological and Nuclear (CBRN) Defence Policy 2022). NATO policy supports consultation and practical cooperation in many areas. These include: conventional arms control; nuclear policy issues; promotion of mine action and combating the proliferation of small arms and light weapons (SALW); preventing the proliferation of weapons of mass destruction (WMD); and the creation and harmonization of forces and means for protection against radiological, chemical, biological and nuclear (CBRN) threats. Pursuing this policy has enabled NATO to protect its security and stability over the years.

NATO's factor in the direction of non-proliferation of weapons of mass destruction worldwide is very important. It spares no effort to achieve positive results in this direction slowly. With the launch of the Weapons of Mass Destruction Initiative in 1999, NATO strengthened its WMD non-proliferation activities. Moreover, in 2000, the Center for Weapons of Mass Destruction was established at the NATO Headquarters. As part of an active political arms control, disarmament, and non-proliferation agenda, NATO allies work to prevent the proliferation of WMD by state and non-state actors. They also counter the WMD threat by building and harmonizing defense capabilities. At the same time, with political decisions to support non-proliferation goals. The political and military components are essential to NATO's security, as is preparedness should the Alliance experience a WMD attack or a CBRN incident.

Under the 2022 Strategic Concept, NATO has committed to investing in defense against CBRN threats, improving related policies, plans, and exercises, and ensuring defense against CBRN threats within the alliance's integrated deterrence and defense capabilities. Furthermore, in June 2022, Allies agreed to NATO's CBRN Defense Policy, which commits NATO to possess the military capabilities necessary to counter WMD proliferation and operate effectively in any environment, ensuring the ability to fight and prevail. Allies have also committed to

strengthening their national and collective defense and resilience against all CBRN threats (Arms control, disarmament, and non-proliferation in NATO 2023, 1).

NATO also strengthens international security through relations with partner countries and other international organizations. Its partnership programs provide an effective dialogue, consultation, and coordination framework by actively contributing to NATO's arms control, non-proliferation and disarmament efforts. Developing connections and cooperation with the United Nations (UN), European Union (EU), and other organizations and multilateral initiatives are particularly important. All this is related to WMD proliferation issues. NATO is well aware that one particular organization alone cannot cope with the challenges and threats that may arise from the proliferation and use of weapons of mass destruction.

In the direction of the policy of non-proliferation of weapons of mass destruction, the US, one of the NATO Member States, is significantly involved by implementing various flexible measures and actively participating in international agreements. We can give an example: the United States is party to three treaties that refer directly to controls on WMD in addition to those limiting specific types of WMD, such as the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention (BWC), and the Chemical Weapons Convention (CWC); the Outer Space Treaty; the Seabed Treaty; and the Strategic Arms Reduction Treaty (START) (CARUS 2012, 5).

Banning the proliferation of chemical weapons is also a very important direction in NATO's non-proliferation of weapons of mass destruction. Since it entered into force in 1997, the Chemical Weapons Convention has become one of the pillars of the global non-proliferation regime. The Convention prohibits developing, transferring, and using chemical weapons; all NATO countries are parties to it. They commit to refraining from developing, producing, acquiring, stockpiling, or maintaining chemical weapons and directly or indirectly transferring them to anyone. States Parties also commit to refraining from conducting military training for using chemical weapons and assisting, encouraging, or compelling others to engage in prohibited activities. NATO considers any use of chemical weapons by state or non-state actors to threaten international peace and security.

**Biological Weapons** - In 1972, the International Convention on the Development, Production, Stockpiling and Destruction of Bacteriological (Biological) and Toxic Weapons was signed (Maisaia and Guchua 2020, 205). Today, this convention is recognized by 182 countries worldwide. The states that are not part of the convention pose a certain threat to global security, as they may be actively producing and working on biological weapons. However, there is also a threat from states that are parties to the Convention and may secretly engage in producing biological weapons. Therefore, control and monitoring are necessary mechanisms for detecting such threats. Biological weapons falling into the hands of international terrorists can cause thousands and millions of casualties. All NATO countries are States Parties to the Biological and Toxin Weapons Convention (BTWC) and fully comply with its prohibitions on the development, production, acquisition, transfer, stockpiling, and use of biological and toxin weapons. NATO is committed to strengthening BTWC action against the proliferation of these weapons.

Taking into account all the threats mentioned above, which can be followed by the aggressive action of state and non-state actors, this is an asymmetric threat that can be implemented in the form of technological terrorism, which means - the use or threat of use of



nuclear, chemical and bacteriological weapons, highly toxic and biological substances by terrorists; Also, to seize or attempt to seize nuclear, chemical and other industrial facilities, the damage or disruption of which may endanger people's lives and health (Maisaia and Guchua 2020, 301).

Nuclear security policy is one of the most relevant issues for modern global security. NATO Allies support the ultimate goal of a world without nuclear weapons. However, as long as nuclear weapons exist, NATO will remain a nuclear alliance, at a level consistent with its deterrence and defense posture, based on an appropriate mix of nuclear, conventional, and missile defense capabilities, complemented by space and cyber capabilities (Arms control, disarmament and non-proliferation in NATO 2023, 1).

All NATO countries are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which entered into force in 1970. The NPT is the only commitment to the goal of nuclear disarmament that is binding in a multilateral treaty and includes both nuclear and non-nuclear states. It provides a balanced, step-by-step framework for nuclear disarmament and is based on three mutually reinforcing pillars: non-proliferation (Articles I and II), nuclear disarmament (Article VI), and the peaceful uses of nuclear energy, science, and technology (Article IV) (Arms control, disarmament and non-proliferation in NATO 2023, 1).

In NATO's Strategic Concept 2022, the Allies underlined their strong commitment to the NPT as the most important pillar of nuclear non-proliferation and its full implementation, including Article VI. The nuclear non-proliferation system gained significant success due to the negotiations; thus, several nuclear programs could be stopped. Brazil, South Africa, Argentina, and some post-Soviet republics ended their nuclear weapons programs, some of which were either completed or technically quite advanced. In modern times, nine states possess nuclear weapons: the United States, Russia, China, India, Great Britain, France, Israel, Pakistan, and North Korea. Moreover, Iran is enriching uranium, despite US sanctions. The emergence of a new nuclear state increases the threat of further nuclear weapons use, considering the world's extensive arsenal of weapons of mass destruction that can destroy it multiple times. In essence, the proliferation of nuclear weapons presents a classic nuclear dilemma: while such weapons may reduce the likelihood of war, they significantly amplify its brutality in the event of conflict (Kissinger 2020, 481). Numerous articles discussing the Cold War often attribute nuclear weapons as the key factor in maintaining a prolonged period of peace (Gvenetadze 2017, 245).

NATO does not support the Treaty on the Prohibition of Nuclear Weapons (Treaty Ban), which conflicts with the existing non-proliferation and disarmament architecture. It is inconsistent with the Alliance's collective defense obligations and does not enhance the security of any nation. Unlike the NPT, the ban treaty lacks a verification mechanism and threatens the NPT, which has been at the heart of global non-proliferation and disarmament efforts for over 50 years. Also, the International Atomic Energy Agency's safeguards regime supports it.

A ban treaty will not create the global security conditions necessary to eliminate nuclear weapons. Moreover, it risks creating unrealistic expectations. This Treaty will not help the reduction and elimination of nuclear weapons. Similarly, NATO opposes the Treaty on the Prohibition of Nuclear Weapons (TPNW). NATO allies believe that the TPNW does not reflect the increasingly challenging international security environment and is at odds with the existing non-proliferation and disarmament architecture (Perrin 2021, 18).



In addition, NATO countries strongly supported maintaining the Treaty on the Elimination of Intermediate-Range Nuclear Forces (INF Treaty). Despite years of efforts by the United States and other NATO countries, Russia continued to develop and deploy the SSC-8/9M729 missile system in violation of the INF Treaty. In December 2018, the foreign ministers of NATO expressed their support for the United States' assessment that Russia had legally breached its obligations under the INF Treaty. They called upon Russia to promptly return to full and verifiable compliance with the Treaty. Despite these calls, Russia persisted in its violations of the Treaty.

Consequently, on 1 February 2019, the United States suspended its obligations under the INF Treaty. The withdrawal of the United States from the agreement came into effect on 2 August 2019, six months after the initial announcement. Throughout these six months, Russia continued denying any Treaty violations and failed to fulfill its obligations by verifiably dismantling its SSC-8/9M729 system. As a result, the NATO countries unanimously agreed that the responsibility for terminating the agreement rests solely with Russia.

On 3 February 2021, the United States and Russia agreed on a five-year extension of the New Strategic Arms Reduction Treaty (New START). However, on 3 February 2023, the North Atlantic Council released a statement noting with concern that Russia has failed to comply with legally binding obligations under the New START Treaty (Weapons of Mass Destruction 2023, 1).

NATO's attitude towards the possible proliferation of nuclear, biological, and chemical weapons is important. Despite some progress in this matter, the possibility of creating and using such weapons in many countries remains a problem for NATO. Also, risks related to terrorist activities, sabotage, organized crime, disruption of the supply of vital resources, illegal migration, etc., are the main obstacles to the implementation of the strategic goals of the Alliance (Chitadze 2011, 276).

NATO actively contributes to the effectiveness and verifiability of arms control, disarmament, and non-proliferation efforts through its policies, activities, and the collective efforts of its allied countries. While NATO is not a party to any specific treaty, it supports and facilitates dialogue among its allies, partners, and other nations to assist in implementing their international obligations (Arms control, disarmament, and non-proliferation in NATO 2023, 1). The fact that NATO cooperates with the United Nations, the European Union, other regional organizations, and multilateral initiatives on weapons of mass destruction is important. Also, strengthening regional and international cooperation worldwide is quite important to realize the policy of non-proliferation of mass weapons more effectively. NATO allies participate in the Treaty on Conventional Forces in Europe (CFE), the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention, the Biological Weapons Convention, and other treaties and agreements that promote arms control, disarmament, and non-proliferation.

The Strategic Concept 2022, adopted at the NATO Summit in Madrid, strengthened the critical link between NATO's deterrence and defense efforts and arms control, disarmament, and non-proliferation, two political instruments that complement and support Alliance security. NATO's continued adherence to this policy was reaffirmed in the 2022 Strategic Concept (concerning nuclear weapons): "The fundamental purpose of NATO's nuclear capability is to preserve peace, prevent coercion, and deter aggression. As long as nuclear weapons exist, NATO will remain a nuclear alliance. NATO's goal is a safer world for all; we seek to create the security

environment for a world without nuclear weapons” (Arms control, disarmament, and non-proliferation in NATO 2023, 1). NATO’s defense structure aims to eliminate potential risks of the proliferation of chemical, biological, radiological, and nuclear weapons and their means of delivery. At the same time, the document mentions that work continues to improve the missile defense system.

On 24 February 2022, in response to Russia’s full-scale invasion of Ukraine, NATO immediately took additional defensive measures. Heads of state and government decided to strengthen security. On 25 March 2023, the President of the Russian Federation, Vladimir Putin, issued new threats against Western countries supporting Ukraine, announcing an agreement with the ruler of Belarus, Alexander Lukashenko, to deploy tactical nuclear weapons in the country. For the first time since the mid-1990s, the Kremlin intends to plant nuclear warheads outside the country. Putin also said that the Russian Federation would complete the construction of a storage facility for nuclear weapons in Belarus by July 2023. Tactical nuclear weapons are used to destroy targets on the battlefield and can replace conventional warheads in conventional weapons systems. They need a delivery system, such as Iskander missiles, short-range ballistic missiles that Russia has used to launch conventional warheads in Ukraine and Syria.

However, concerns about growing nuclear tensions between Russia and the United States resurfaced even earlier after Russia suspended participation in the Strategic Arms Reduction Treaty (START-3) on 28 February 2023. This bilateral agreement limits the number of strategic nuclear weapons each country can have but does not cover the number of tactical warheads. Announcing a moratorium on Russia’s participation in this Treaty means that mutual inspections will be stopped, and the control mechanism will be completely removed. Consequently, nuclear militarization will most likely begin at a new increasing pace. This decision by Vladimir Putin poses additional challenges to NATO’s nuclear security policy. The policy of intimidation and blackmail that Russia has chosen will not bring good results. Russia is thus trying to demoralize the population, government, and soldiers of Ukraine, although they steadfastly protect their country’s sovereignty. In all this, they are actively supported by the European Union and NATO Member States. The NATO leadership understands that using nuclear weapons in hostilities will seriously affect Ukraine. At the same time, its bordering states cannot be protected from nuclear radiation. Accordingly, NATO is trying to approach this issue with maximum caution, diplomacy, and pragmatic policy so that Ukraine and the world can avoid catastrophic consequences. Considering all this, it is clear how important role NATO plays in the non-proliferation policy of weapons of mass destruction. Thanks to such correct approaches of NATO, the alliance’s contribution to global security and stability is great.

## CONCLUSION

In the 21st century, the world needs to understand the importance of maintaining global security. It is also important to conclude new non-proliferation and disarmament treaties that should serve global security. The new treaties must respond to the challenges of modernity and the changes that are taking place in the world in the direction of weapons of mass destruction. However, before signing new agreements, it is necessary to effectively control and protect the

fulfillment of existing and valid agreements and obligations. In this, the Member States and partners of the NATO alliance play an important role.

The study shows that NATO can play an important role in the policy of non-proliferation of weapons of mass destruction. The policies and strategic documents adopted by NATO effectively affect and protect the stability and security of the alliance. It must be said that NATO will have to work even more seriously in this direction because, with the development of new technologies, risks and threats are increasing, which can come from aggressive states and non-state actors. Terrorism is the most dangerous of them. Countering symmetric and asymmetric threats is central to the Alliance's pursuit of non-proliferation of weapons of mass destruction.

In modern times, NATO faces many threats and challenges, such as international terrorism, hybrid war, cyber war, the proliferation of weapons of mass destruction, etc. It should be noted that in modern times NATO plays an important role in ensuring international security (Maisaia and Guchua 2021, 41). It must be said that it is quite difficult to fight with all this. The Alliance's policies and strategic approaches allow it to effectively deal with and combat existing and potential threats. NATO should further strengthen its policy on the non-proliferation of weapons of mass destruction. The issue of peace and security in the world depends significantly on this.

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# THE STATE OF RELIGIOUS FREEDOM IN RUSSIA: TOWARDS ORTHODOX MONOPOLY

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**Abstract:** *This paper explores the state of religious freedoms in Putin's Russia, with a special emphasis on the Kremlin's intensifying efforts at establishing Orthodox monopoly. It is an in-depth case analysis that uses policy and discourse analysis to examine the state of religious freedoms in Russia. It suggests that anti-extremism law has become an instrument of state control over a wide array of speech or activity. Through state-supported legislation, the authorities censor religious life to prevent the rise of anti-government sentiments. The groups most affected by the government's anti-religious policy are "non-traditional" religious groups, facing hardships in exercising their rights and freedoms. Their activities are increasingly banned on the grounds of "extremism" and "terrorism". Russia's tightening of legislation on extremism has been combined with its withdrawal from the Council of Europe, which poses additional threats for religious communities by eliminating any international scrutiny over the government's actions. This paper concludes that while Russian history has been traditionally characterized by religious intolerance towards small denominations, the intensifying crackdown on religious freedoms is part of the Kremlin's policy of ensuring a monopoly across the country for the Russian Orthodox Church.*

**Keywords:** *Religious Freedom; Religious Minorities; Russian Orthodox Church; Extremism*

## INTRODUCTION

The revival of religious life in post-Soviet Russia was short-lived. Although, after the breakup of the Soviet Union, freedom of religion became a guaranteed right under the Constitution, religious minorities still faced a series of problems. The government suspects smaller denominations' religious activities and maintains surveillance mechanisms that monitor believers at home and abroad.

The groups most affected by the government's anti-religious policies are non-traditional religious minorities. The Extremism Law provides the authorities with discretionary powers to interfere in religious matters and to prevent the spread of anti-government sentiments. Minority groups are targeted with criminal charges, detentions, and imprisonment under the legal framework for combating extremist activities.

Russia's withdrawal from the Council of Europe, and the closure of many human rights institutions operating across the country, pose serious threats to religious minorities. These deprived those minorities of international guarantees to freely exercise their rights and freedoms by eliminating the mechanisms of international scrutiny over the government's action.

A significant role in protecting minority rights is also attached to the Russian Orthodox Church, which has traditionally sought a monopoly position in religious life.



The situation is compounded by the Russian Orthodox Church's mounting monopoly in religious life. Although its role was weakened in the early 1990s, the Church soon regained its privileged position. The laws subsequently adopted stressed the government's intent to provide more powers to the Church as an institution that guarantees its historical and cultural legitimacy. In the meantime, those laws severely limit the activities of other religious communities under the pretext of fighting extremism and terrorism.

This paper addresses the following questions:

1. What is the state of religious minorities in Russia?
2. What mechanisms are being applied to restrict the rights of non-traditional religious groups?

## THE STATE OF RELIGIOUS MINORITIES IN RUSSIA

During the Soviet period, religious minorities in Russia were severely suppressed due to the state's anti-religious policy. Nevertheless, there is a consensus that in the early 1990s, Russia underwent a "religious revival" (Evans and Northmore-Ball 2012, 795; Mancini 2020, 243). The 1990 Law "On Freedom of Conscience and Religious Organizations" provided wider opportunities for the activities of various religious organizations, granting them the status of legal entities. The law also established the separation of church-state relations and significantly weakened state interference in the activity of religious organizations. No significant restrictions were imposed on religious associations' registration and missionary activities (Lunkin 2020).

All these changes resulted in a curtailment of the monopoly position of the Russian Orthodox Church, which has traditionally provided the Russian government with historical and cultural legitimacy. However, the weakening role of the Church within society did not last long.

The widening of opportunities for religion has driven the emergence of new religious groups. This has brought resistance from the Russian Orthodox Church, which was vulnerable to foreign missionary activities (Mancini 2020, 243). Two changes, in particular, demonstrated the Church's renewed dominance in the post-Soviet period. Firstly, in the 1990s, the state began returning lands formerly belonging to Church. Secondly, the 1997 law on "Freedom of Conscience and Religious Association", which replaced the 1990 Law, implicitly provided more powers to the Church by significantly limiting the activities of other religious organizations (Lamoreaux and Flake 2018, 2). Though the preamble mentions Christianity, Islam, Judaism, and Buddhism as traditional religions, it was widely considered an attempt to strengthen the position of Orthodoxy within society (Potts 2016, 38). Currently, there are between five and 15 million practicing Orthodox believers in Russia, ten million Muslims, three million Protestants, 500,000 Buddhists, 200,000 Jews, 150,000 Jehovah's Witnesses, 100,000 Hindus, and 100,000 followers of other religious faiths (Lunkin 2020). Thus, invoking the concept of "traditional religion" ignored the idea of religious diversity in Russia and pit believers against each other.

Throughout Russian history, religious discrimination has taken various forms: anti-Semitism, anti-Muslim, anti-Catholic and anti-Protestant sentiments. Religious minorities face a series of problems related to the registration of religious organizations, access to places of worship, obtaining visas for church members abroad, etc. Non-traditional religious minorities are particularly affected by the government's anti-religious policy. Although their rights are well

protected under the Constitution, they are being prosecuted and punished under the pretext of national security.

Since 1997, Russian legislation on religion has been increasingly tightened. The government has enforced many vague laws against religious extremism and foreign funding of non-government organizations. These laws have authorized law enforcement agencies to regulate the activities of religious organizations and to ban them under the name of combating extremism and terrorism.

The series of laws started in 1997 when President Yeltsin signed a new Russian law on religion restricting the activities of religious minorities and foreign missionaries. It replaced the October 1990 law, widely recognized for its safeguards of religious freedom (Elliott and Corrado 1999, 109). The law distinguished between “religious groups” and “religious organizations” and severely limited the rights of the former. It gave the local authorities broad discretion to determine whether a religious community could be labeled as a “group” or an “organization”. It established a fifteen-year waiting period for religious groups seeking to gain the status of an organization (HRW 1997). Since the law was passed, religious communities have encountered a series of problems, such as religiously motivated violence, difficulties registering with the authorities, problems with building and owning places of worship, harassment from local authorities, etc. (UNHCR 2004). The adoption of this law has been perceived as a political victory for the Russian Orthodox Church over multi-confessional forces (Potts 2016, 41).

Furthermore, the Federal Law on Combating Extremist Activity was adopted on 25 July 2002, which granted the authorities overly broad powers to censor and criminalize religious activities (ACN International 2021, 3). Since 2002, the Extremist Law has been amended several times. In addition to provisions addressing the measures for combating and punishing extremism, the law contains formulations on extremism-related ideas and a list of actions or purposes qualifying activity as “extremist” (Venice Commission 2012, 3).

Still, the concept of extremism is extremely broad in Russian legislation. Besides ideologically motivated violence and speech-related provisions, it also contains other specific offenses, such as the prohibition of the rehabilitation of Nazism or of insulting the religious feelings of believers (Szymanska, Hueting, and Kravchenko 2019). An opinion (2012) issued by the Venice Commission considered how the Extremism Law is pursued as problematic, given its broad and ill-defined wording on extremism, which may lead to arbitrariness. It also stressed that the law affects many human rights enshrined in customary law and international treaties binding Russia (Venice Commission 2012, 3-5). The PACE Monitoring Committee of the Council of Europe (2012) and the UN Human Rights Committee (2015) have also expressed their concerns about the vagueness and overly broad nature of the extremism law (PACE 2012; UN Human Rights Committee 2015). The number of reports can be regarded as an indicator that the law is increasingly used to restrain the freedom of expression and freedom of religion.

In May 2005, the “undesirable organization” law was adopted, which banned the activities of numerous international NGOs that allegedly threatened state security and public order.

It required all religious communities without legal status to notify state officials of their existence and activity (USCIRF 2015). Under the law, groups were declared “undesirable” and formally banned by the Ministry of Justice. More than a dozen foreign groups have been

banned under this legislation. The Church of Scientology has also been declared “undesirable”, paving the way for its closure in 2016 (Reuters 2021).

On 29 June 2013, the so-called blasphemy law was enacted, criminalizing activities aimed at insulting the religious feelings of believers (ACN International 2021, 3). It allowed fines of up to 300,000 rubles and imprisonment for up to two years for public acts that “manifest patent disrespect for society and are committed with the aim of offense to the religious feelings of believers” (Catholic Culture 2013). As to the findings of USCIRF (2020), in Russia and other post-Soviet countries, acts of blasphemy are enforced through, or in conjunction with, the existing criminal laws and, as such, often carry more severe punishments than the blasphemy law itself (USCIRF 2020, 22).

Furthermore, on 6 July, 2016, Russia passed the “Yarovaya Law”, a set of anti-terrorism amendments to existing legislation. Again, the law was presented to combat terrorist activities, but it was perceived internationally as an “anti-missionary” law (World Watch Monitor 2017). Under these amendments, “missionary activities” have been redefined, forbidding preaching, praying, disseminating materials, and answering religious questions outside designated locations, especially in residential premises (ACN International 2021, 3). The new legislation targeted all Christian groups outside the Russian Orthodox Church. It established strict rules for foreign missionaries, who had to prove a state-registered religious group invited them; otherwise, they would face deportation and major fines (Human Rights Without Frontiers Int’l 2016, 2).

The entrenchment of digital authoritarianism is further restricting religious freedom in Russia. It has brought new dimensions to political repression. On the one hand, digital technologies empower civil society and provide an additional platform for fulfilling fundamental human rights and freedoms. On the other hand, these same technologies are deployed by autocrats to persecute, silence, and punish regime critics, activists, and other civil society members.

On 4 March 2022, Russia enacted two laws criminalizing independent war reporting, with penalties of up to 15 years of imprisonment (HRW 2022). Also, since 2012, Russia’s Federal Service for Supervision of Communications, Information Technology, and Mass Media, commonly known as Roskomnadzor, has maintained a centralized internet blacklist. The agency was established on 3 December 2008, following the passing of presidential decree no. 1715 and was granted only censorship powers (Sherman 2022). Nevertheless, reporting on thousands of leaked Roskomnadzor documents shows that it acts as an element of a repressive apparatus (New York Times 2022).

Since 2017, the US Commission on International Religious Freedom (USCIRF) has recommended that the US Department of State designate Russia as a “Country of Particular Concern” (CPC) for engaging in ongoing violations of religious freedom. In 2021, the State Department implemented this recommendation, recognizing the Russian government as one of the world’s worst violators of religious freedom. This blacklisting paves the way for sanctions if the countries listed do not improve their records (RFE/RL 2021).

Traditionally, minority denominations in Russia have been viewed with hostility. The data on violence against religious minorities in Russia may be misleading for two reasons: firstly, many people do not report such violence to law enforcement agencies, especially in cases when

the police committed the violence; and secondly, the available statistics report ethnic violence rather than religious violence (Laruelle 2021, 14).

The prosecution of minorities has intensified since the wave of 2011 anti-government protests. The Russian government has progressively tightened control over non-Muslim denominations, specifically targeting those historically viewed with reservations by the Russian Orthodox Church, such as the Jehovah's Witnesses or Scientologists.

The Jehovah's Witnesses are particularly targeted by the government. The legal basis for most of the pressure has been the broad law on extremism approved in 2002. In 2017, Russia's Supreme Court banned the activities of Jehovah's Witnesses, labeling the Church as an "extremist organization" (USCIRF 2022, 2). In the meantime, the government claimed that although it banned the activities of legal entities, individual Witnesses would be free to practice their faith (EEAS 2018). However, this claim has mostly been inconsistent with the government's actual policy. Since the April 2017 ban, hundreds of Witnesses have been sentenced to pretrial detention or imprisonment under the charge of extremism (RFE/RL 2022). USCIRF considered the persecution of the Jehovah's Witnesses a strong indicator of rising authoritarianism in the country (USCIRF 2022). After losing many court appeals in Russia, the Jehovah's Witnesses applied to the European court (Washington Post 2022). In a letter to Russia's Minister of Foreign Affairs dated 9 December 2022, the Secretary General of the Council of Europe (COE) urged Russia to comply with recent European Court of Human Rights judgments. Such judgments include the June 2022 landmark decision that declared Russia's ban on Jehovah's Witnesses unlawful (ECHR 2022).

The followers of Scientology are also being subjected to tightened regulations. In 2012, the regional court of Moscow declared books on Scientology as extremist materials and banned publications from Scientology founder Ron Hubbard (RFE/RL 2012). Furthermore, in 2016, the Russian court banned the activities of the Moscow branch of the Church Scientology, partly because the authorities argued it had registered its name as a US trademark (The Guardian 2016). The deepening confrontation with the Western world has intensified the battle against Scientology as a "foreign" movement endangering Russian cultural values. In 2021, Russia designated two more California-based organizations linked to the Church of Scientology as "undesirable" (Reuters 2021). The European Court of Human Rights has repeatedly ruled that Scientology is recognized as a religion (until 2014) in Russia, and denying its re-registration across the country is unlawful (ECHR 2007; ECHR 2021). However, it is assumed that the Court's decisions will have a symbolic effect given Russia's withdrawal from the Council of Europe.

Regarding Islam, it attracts the attention of researchers for two primary reasons. Firstly, Russia possesses the largest Muslim minority population in Europe, including a significant number of labor migrants from Central Asia. Secondly, Islam has spread and established itself as an official religion within the territory of modern Russia since the early years of the faith (Akhmetova 2018, 7). However, despite this historical and statistical data, many Islamic groups are deemed "extremists". The majority of the Muslims arrested are supporters of an Islamist fundamentalist organization called Hizb ut-Tahrir (Freedom House 2022), the stated aim of which is the re-creation of a world caliphate. In 2003, the Supreme Court of Russia officially classified Hizb ut-Tahrir as a terrorist organization, severely punishing its followers (HRW 2020). While the European Court of Human Rights recognizes it as a "global Islamic political party"

(ACN International 2021, 4), it appears that it does not conform to the Western model of a political party.

Two other Islamic movements - Tablighi Jamaat and the Nurcu network - are also classified as extremist by Russian legislation, although they are not perceived as such in many European countries (Laruelle 2021, 12). The first is a fundamentalist Islamic association, the activity of which was banned in Russia in 2009. Nevertheless, it is argued that it does not spread violence and, therefore, persecuting its adherents is unlawful (HRWF 2022). The Nurcu movement (disciples of Said Nursi and Fethullah Gülen) is similarly not known for violence but has become partially radicalized during its confrontation with the Erdoğan regime in Turkey (Laruelle 2021, 12).

Since the Crimean events of 2014, religious groups, formerly legal in Ukraine, have been subjected to Russian legislation. The Mejlis was banned in Crimea and subsequently labeled as an extremist organization (Zasztowt 2019, 29). The Crimean Tatars are mostly affected by the government's anti-religious policy for their purported involvement in Hizb ut-Tahrir (US Department of State 2022). According to HRW (2017), this is primarily aimed at silencing dissent, and those portrayed as extremists are merely politically active Crimean Tatars (HRW 2017). Many religious communities were essentially driven out of the peninsula through registration requirements under newly imposed Russian laws. There were roughly 2,200 religious organizations, both registered and unregistered, in Crimea before the events of 2014. As of September 2017, only 800 remained (May and Reese 2018).

Russia also has a long history of anti-Semitism. It dates back to the pogroms of the late 19th century, the First World War and the Bolshevik revolution, and the anti-Jewish campaigns in the late Stalinist USSR. Throughout the 1990s, with the emergence of free and democratic political rhetoric, anti-Jewish conspiratorial speculations became more common (Yablokov 2019, 291). After coming to power, President Putin weakened the idea of anti-Semitism that nearly all his predecessors had either encouraged or tolerated. He even considered the anti-Jewish policy to be one of the mistakes leading to the collapse of the Soviet Union (Borshchevskaya 2018). In 2014, Putin signed a law denying Nazi crimes a criminal offense punishable by up to five years in jail (Reuters 2014).

Nevertheless, while the general environment seemed more favorable for Jews, it was still far from perfect. Russia's military operation in Ukraine, and the tough sanctions imposed by the West, raised new fears among the Russian Jews that they would be re-targeted by the Kremlin. One of the appalling examples of anti-Semitic rhetoric came in May 2022, when Russia's Minister of Foreign Affairs Sergei Lavrov said that "Hitler also had Jewish blood" and that "most ardent anti-Semites are usually Jews" (BBC News 2022). Although Putin later apologized for these claims, this was not the last incident of anti-Semitic statements (BBC News 2022).

The Russian-Ukrainian war has further deteriorated the state of religious minorities in the country. The UN warned of the dangers of using religion to fuel the conflict (UN Press 2023). The strong and overt support of the Russian Orthodox Church for President's Putin policy deepened divisions within the wider Orthodox world, including a formal split with the Ukrainian Orthodox Church and strong tensions with the Ecumenical Patriarchate of Constantinople (Europe.eu 2022). Thousands of Russian Jews have emigrated since Russia's invasion of Ukraine began in 2014. Since then, Israel has seen its biggest outflow of Russian Jews since the fall of the USSR



(Jewish Journal 2022). The same tendency is observed concerning Muslims of Russian origin that left Russia for various reasons - war in their home cities, persecution in Russia for their faith, threats from co-religionists, etc. (ICG 2021). Since 2014, many of those with ties with Islamist groups fled to Ukraine. Unlike Russia and Germany, Ukraine has not banned Hizb ut-Tahrir (ICG 2021).

In recent years, the government has initiated a series of shutdowns of international human rights organizations, which strongly indicates rising authoritarianism. In December 2021, two months before the invasion of Ukraine, Russia's Supreme Court ordered the closure of Memorial International, the country's oldest human rights organization, which is also an active supporter of religious freedom (The Guardian 2021). The Memorial documented religious freedom abuses and maintained extensive lists of current political prisoners in Russia (USCRIF 2022, 31). Furthermore, in April 2022, Human Rights Watch, Amnesty International, and 13 other foreign nongovernmental organizations and foundations were forced to shut down their offices in Russia (HRW 2023). Another major event drastically affecting human rights and freedoms was Russia's withdrawal from the Council of Europe. In June 2022, the Russian Parliament passed a pair of bills ending the jurisdiction of the Court in the country, with former President Dmitry Medvedev saying that Russia's exit from the organization represented an opportunity to restore the death penalty, which the Council of Europe's rules prohibit (Aljazeera 2022).

These shutdowns cause significant concerns from a human rights perspective. First and foremost, this means Russia's disengagement from international mechanisms such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Committee for Social Rights. By withdrawing from the Council of Europe, Russia also ceased to be a High Contracting Party to the European Convention on Human Rights, which means that the rights and freedoms of Russian citizens will no longer be protected under this document.

In 2020, the country initiated a series of constitutional amendments that, according to President Putin, "would improve the balance of power and adapt the Constitution to the changes that had taken place since 1993" (Europa.eu 2020). One of the more controversial amendments - invoking God in the Russian Constitution - was proposed by Patriarch Kirill, head of the ROC (Blitt 2021, 2). Government officials said the invocation would have symbolic importance a century after the imposition of Communist rule and dismissed criticisms that it would undermine church-state separation and secular norms (Church Times 2020). Meanwhile, it was obvious that, among others, these amendments have strengthened the church-state partnership and further entrenched the role of the Moscow Patriarchate. In addition, this has strengthened the Kremlin's campaign against the perceived civilizational threat coming from the West.

## CONCLUSION

Thus, in Russia, the freedom of religion is disproportionately upheld. Minority religious groups encounter various challenges concerning registration requirements, religiously motivated violence, and the establishment of places of worship. Frequently, anti-extremism laws are employed beyond their legitimate boundaries to censor religious activities and suppress the

emergence of anti-government sentiments. This partly reflects the regime's concerns about various accumulated domestic issues in recent years.

Non-traditional religious groups are particularly affected by the government's anti-religious policy. Among the most vulnerable groups are Jehovah's Witnesses and the followers of the Church of Scientology, the activities of which have been banned in Russia. Regardless of the government's claims that the ban only applies to the activities of legal entities, individual Witnesses also face detention or imprisonment under the charge of extremism. Some Islamic movements are banned for belonging to Hizb ut-Tahrir, which Russia believes to be a terrorist organization. Since 2014, Crimean Tatars have also been severely prosecuted for their purported involvement in extremism-related organizations. As to Jews, while the general environment seemed to be more favorable compared to the early 1990s, it is still far from perfect. The Russian military operation in Ukraine, and the tough sanctions imposed by the West, raised new fears among Russian Jews that they would be re-targeted by the Kremlin.

The newly adopted laws and the 2020 constitutional amendments have stressed the government's intentions to provide more powers to the Russian Orthodox Church, bringing back its monopoly position within society. In the meantime, these laws severely limit the activities of other religious communities.

The series of shutdowns of human rights institutions initiated by the government, coupled with Russia's withdrawal from the Council of Europe, have significantly reduced the government's accountability towards its citizens and pose additional threats to the country's religious minorities. The lack of international mechanisms and the tightened anti-extremism legislation allow more space for the nationwide persecution of smaller denominations.



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# AI AND DIPLOMACY: CHALLENGES AND OPPORTUNITIES

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**Abstract:** *This article focused on two distinct areas: diplomacy for AI and AI for diplomacy. The first point investigated challenges faced by diplomats associated with creating stability in cyberspace and diversifying objects of cooperation. The second point sought to identify the threats and opportunities associated with AI in diplomacy; to explore the impact of digital tools on diplomatic capacity, technological limitations through digital diplomacy, and uncertain future demand for the diplomatic profession; to investigate the necessary competencies of civil servants in managing alternative reality and collaborating with technical specialists. The research utilized a qualitative approach, employing analysis of existing literature and diplomatic practices related to AI and its effects on diplomacy. The research underscored the importance of diplomats' readiness for change and their understanding and utilization of new technologies. It highlighted the need for interdisciplinary training programs incorporating innovative thinking, big data management, and machine learning to foster effective collaboration between diplomats and technical specialists. We concluded that embracing AI and digital capabilities can empower diplomats and enhance the effectiveness of diplomatic instruments in achieving national goals in times of peace and hybrid war in the real world and the metaverse.*

**Keywords:** *Diplomacy; Artificial Intelligence; International Relations; Digitalisation*

## INTRODUCTION

In an era characterized by wave-like progress, the world is experiencing a surge in innovative discoveries. The competition for developing artificial intelligence technologies, such as ChatGPT from OpenAI, PerplexityAI, and AITestKitchen from Google, has convinced even the average user of breakthroughs in various fields. At the professional level, debates are ongoing regarding the impacts and challenges of new technologies.

As a tool for implementing a state's foreign policy, diplomacy cannot remain indifferent to these processes. Virtual embassies are being established, bots are being utilized for citizen communication, and "digital" ambassadors are being appointed to foster relationships with tech giants like Google, Microsoft, or Amazon. Consequently, the diplomatic service, which has traditionally been regarded as a conservative and slow-changing domain, is now confronted with the challenges posed by revolutionary technologies such as AI, machine learning, quantum computing, and the multi-technical realm of cyberspace.

The impact of social networks on the work of classical diplomats and the shifting of accents to non-state actors and their role in international relations are being discussed at the professional level. Specific tasks of AI are also being examined, including calculating the consequences of political decisions, improving the quality of diplomat's training for complex negotiations, predicting political crises, anticipating humanitarian catastrophes, or using quantum computing for encryption and its implications for surveillance.

The gradual transition from the “art of words” to the “art of digits” requires new digital skills and an understanding of how to correctly and where to use AI technologies and algorithms for working with big data for effective international activities, as well as analyzing the system of challenges that arise in diplomacy together with the development of AI, big data, and blockchain.

## BACKGROUND

With the development of the second generation of network services (Web 2.0) and the official introduction of the term Web 2.0 in 2004, the private sector in various production fields began using innovative digital tools to achieve their goals. In the field of public service, as the most inflexible and conservative mechanism, change was more difficult. Although scientific schools in various parts of the world began researching virtual diplomacy in advance (Makarenko and Pypchenko 2010), the issue only gained worldwide attention in 2012 with the publication of the first part of the scientific work by Lovi F. Hanson “Revolution and the State Department: The Spread of E-Diplomacy” (Fergus 2012) which significantly revived interest in the topic of “Network and Foreign Policy” and caused a turning point in its discussion. It is worth saying that during the first weeks after the release of the first part, the number of downloads reached tens of thousands, which is one of the record-breaking indicators for all “think tanks” worldwide. However, the process of reorientation and transformation seemed protracted for public service. According to Pypchenko’s research (2021), it was only in 2014 that all Ukrainian diplomatic representations started using social media. During that period, a sociological survey was conducted among Ukrainian civil servants to assess their readiness for innovation and the use of information technology in their work (Konovalova 2014). The survey results revealed low readiness for innovation, research, and creativity among civil servants. They had a limited understanding of innovative processes and the essence of innovative activities but showed a positive attitude toward the potential for creativity in their work. The pace of technological progress demanded rapid responses from diplomats. It is worth discussing two parallel processes: the development of digital diplomacy and the functioning of diplomacy in the digital age.

In his work on public diplomacy, Cull (2013) outlines the key stages of transforming public diplomacy in the US State Department into Model 2.0. He emphasizes the significance of prioritizing the network over specific technologies or platforms, thereby identifying the primary challenges for diplomats and practitioners in embracing the evolving world and effectively coexisting within it. In essence, the version number, be it 2.0 or 5.0, is not of utmost importance; what truly matters is the ability to react promptly and adapt to new technologies. This is why programmers do not like to publish scientific papers. By the time the book becomes available, new technologies will have emerged to solve problems.

Similarly, in diplomacy, keeping pace with progress may be challenging, but bridging the gap and minimizing resistance to new technologies can bring us closer to it. There is no need to fear that artificial intelligence will replace diplomats; rather, we should embrace and utilize it. Machines will not govern the world, but those who possess mastery over them will be capable of managing everything. This article explores the future development of diplomacy under new



scenarios, examining the key challenges that diplomacy will encounter in the era of artificial intelligence. It will also shed light on the emerging opportunities and threats on the horizon of technological advancement.

## BASIC DEFINITIONS

In the article, diplomacy is understood as the activity or profession of managing relations between governments of different countries to achieve foreign policy interests. Riordan (2018) defines the goals and objectives of diplomacy as an enduring phenomenon, highlighting the existence of various subtypes of diplomacy that rely on a range of instruments. According to the scholar, conceptual confusion arises from the failure to differentiate between instruments that can be employed within a broader diplomatic strategy and the actual subject matter of diplomacy. Hence, electronic diplomacy, cyber diplomacy, digital diplomacy, virtual diplomacy, and new public diplomacy are just some of the terms that speak to the metamorphoses of digital diplomacy that are part of the practice of diplomacy and international relations. "Digital diplomacy" is characterized by using digital tools to achieve foreign policy goals and support broader diplomatic strategies. Accordingly, in this case, virtual diplomacy is diplomacy mediated by information and communication technologies instead of face-to-face communication. It has become particularly popular in the context of the coronavirus pandemic (Gordon 2008). Public diplomacy is a subgroup that seeks to help achieve policy goals by influencing external (and internal) public opinion. According to N. Cull, the modern public diplomacy model involves three essential components: dialogue, "active listening", and advocacy campaigns using the web and information and communication technologies (electronic diplomacy). However, we are still discussing traditional and public diplomacy as an instrument of foreign policy, defining other "types" of diplomacy as a manifestation of evolution and change in the subject. Therefore, digital diplomacy is just a way of implementing traditional and public diplomacy through digital technologies.

The term "cyber diplomacy" refers to applying traditional diplomacy to issues that arise in cyberspace, including the metaverse. The article uses the metaverse concept as a subset of cyberspace, including shared virtual worlds where users can interact in real-time (Lee et al. 2022). Traditional diplomacy, in both bilateral and multilateral forms, can also be used to address cyber issues. Cyber diplomacy is "a new international practice that seeks to build a cyber-international society, combining national interests with the dynamics of global society - an area in which cyberspace is developing" (Barrinha 2017).

To comprehensively study the challenges and prospects of AI in diplomacy, the following taxonomy has been identified - diplomacy for AI and AI for diplomacy.

### Diplomacy for AI

The diplomacy for AI approach is focused primarily on promoting cooperation in digital technologies (cyberspace, machine learning, artificial intelligence, blockchain) to achieve global goals such as democracy, peacebuilding, human rights protection, environmental protection, etc. AI has become a defining element of geopolitical power and an instrument of traditional

and public diplomacy, influencing the global balance of power. In 2018 the US Congress established the National Security Commission on AI. The Commission's report in 2021 presented the strategy of "winning the era of artificial intelligence". It was noted that "artificial intelligence systems will be used to pursue power". The report, specifically the section on the action plan for protecting the US in the AI era and responsible use of AI, mentioned diplomacy 44 times, emphasizing its important role in addressing global issues related to artificial intelligence.

The role of diplomacy is seen in addressing the acute issues of AI in the areas of security, economy, human rights, and regional aspects of foreign policy (for example, providing a single definition of "anonymous data", consent, and issues of public interest). The report also recommends establishing a diplomatic presence in technology centers in the US and other countries, strengthening US universities' "Diplomat in Residence" program to accumulate a professional community. Recommendations for US government agencies have been identified, including creating an International Digital Democratic Initiative (IDDI) to engage partner countries in synchronizing policies and initiatives in artificial intelligence and digital technologies. The report outlines the initiative's strategy and ways to promote it through public diplomacy. The importance of diplomatic efforts, programs, and foreign operations in AI, new technologies, and data is evidenced by the call for financial support for such events.

A report titled "Artificial Intelligence Diplomacy: Managing with AI as a New Tool of EU Foreign Policy" (Franke 2021) was published in the European Parliament in response to a request from the Special Committee on AI in the Digital Age. The report emphasizes the priority of creating a European research institute focused specifically on the geopolitical impact of AI on security and establishing a European Commission on AI security. The report states that "reliable AI is defined as lawful, ethical (adhering to ethical principles and values), and reliable from both a technical and social point of view", achievement of which requires the consolidation of diplomatic efforts from all member countries.

Challenges are emerging in the issues of security on the metaverse level, which primarily transcends into the geopolitical realm. Barbados became the first country to announce the opening of an embassy in the metaverse (Atjam 2022). Although detailed information about such an embassy is unavailable on the Ministry of Foreign Affairs and Foreign Trade of Barbados's website, the announcement challenges international law and geopolitics (such as developing new behavioral norms or applying existing international law in cyberspace).

Despite Francis Fukuyama's hopes for an ideal future based on liberal democracy, social market economies, and globalization, when "more traditional geopolitical plans focused on territory, resources, interstate conflicts, spheres of influence, and the balance of power were considered to be sent to the trash heap of history", we live in a time when geopolitics has returned to the forefront, overshadowing global issues of humanity and commercial competition. The Russo-Ukrainian war has once again confirmed that autocratic regimes do not abandon the desire to seize foreign territories, which can also occur in the virtual world.

Riordan (2019) emphasizes the importance of deeper involvement of diplomacy in cybersecurity issues, particularly in the realm of cybersecurity, which could contribute to "interstate cooperation, transparency, and predictability to reduce the risks of misperception, escalation, and conflict caused by cyber threats". The issue of cyber threats and future wars in cyberspace (in an alternative reality) must be addressed not only at the technical level or in the

realm of national security or defense agencies, but at the level of diplomatic agencies, in foreign policy strategies that will sooner or later incorporate relations in alternative realities into the agenda. Technical solutions and cybersecurity decisions are necessary but insufficient. Diplomatic efforts can contribute to creating stability in cyberspace. Van der Meer argues that protection and restraint must give way to diplomacy in cybersecurity affairs in the long term to ensure international security (Van der Meer 2016).

Diplomacy will be crucial for predicting the behavior of major players in cyberspace and identifying areas of possible cooperation or shared areas on which future agreements can be built.

The opportunities arise in expanding the capabilities and transferring the knowledge - the ability to interact with a range of state and non-state actors and build heterogeneous coalitions based on shared desired outcomes rather than shared values or ideologies. This applies to global problems or a new international security agenda, where diplomats must interact and negotiate with various companies, non-governmental organizations, and civil society groups. The key non-state actor in this aspect is technological giants (internet companies), which become geopolitical actors and have increasing influence. In this aspect, it is necessary to mention the global technology diplomacy with a strong foundation in Denmark. The Danish Ministry of Foreign Affairs actively implements the technology diplomacy strategy for 2021-2022. The strategy identifies the main roles of the technological diplomat:

- The representative of the Danish government and central administration in global technology industry organizations focused on accountable and critical dialogue.
- The policy developer who, through knowledge gathering and international perspectives on technological development, contributes to solving global problems.
- The global leader draws attention to Denmark as a digital pioneer and promotes the export of Danish technology and foreign investment in Denmark.

A technological ambassador's duties are similar to a regular embassy's functionality: information gathering, regulatory discussions, representation, public diplomacy, and commercial promotion. Thus, the work of a diplomat in the digital age expands due to new actors and spaces but is based on classical functionality. By analogy, the knowledge and skills of a classical diplomat at the metaverse level, where a diplomat with a technical arsenal of knowledge will ensure national/supranational foreign policy goals, will remain in demand.

## **AI for Diplomacy**

AI can support the functions of diplomacy and the everyday tasks of diplomats. AI is mainly used in the following areas: as an assistant in traditional diplomacy (e.g. executive assistant to the President of the UN General Assembly, who analyzes speeches in real time, forms an understanding of the context of conversations, positions, and strategies of other participants, and uses prompts to adapt their advice to the President in the Assembly); in the consular service, AI can embody informational functions (gathering information to better understand the agenda (example in Menguaslan and Celik 2023) and procedural knowledge (know-how) (for example, predicting the oscillation in demand for consular services by location, time, and

audience profile based on a large amount of data), in public diplomacy, AI becomes a tool for conducting effective dialogue based on “active listening”, as AI opens up opportunities for processing a large amount of data (better understanding of cognitive frames and emotional subtext of audience messages), and implementing e-diplomacy at the micro-level with the audience based on individual interests and preferences. As the volume of interaction and data management continues to grow exponentially, one can make themselves heard by professionally learning to separate “signals” from background “noise” and “correcting their message in advance to ensure maximum visibility in the online space, in real-time” (Scott et al. 2018).

Corneliu Biola asserted that advances in technology and the public’s demand for transparency had reduced the practice of secret diplomacy, with 45 percent of the world’s population being under 25 and connected to networks. As communication, advocacy, and negotiations increasingly enter the digital realm, the author and others claim the irreversible use of social networks for public diplomacy (Manfredi-Sánchez et al. 2015). Similarly, Cull emphasized the importance of using ICT as a key principle of the concept of new public diplomacy, with the effectiveness of public diplomacy depending on the existence of a dialogue between the government of one country and foreign society, which can be established by studying all signals, assessments, and opinions from foreign society (Cull 2013, 10). The use of advanced AI technologies will undoubtedly enhance the effectiveness of public diplomacy.

It is also noteworthy to mention technological capabilities designed to improve the functioning of the diplomatic corps in the context of AI for diplomacy. For example, a recent presentation showcased a Hungarian digital application for cyber diplomacy that uses new digital technologies and tools to support traditional diplomatic activities (Cîrnu and Vasile 2022). The application on the blockchain provides the advantages of encrypted communication with different levels of access for all employees of the diplomatic corps across the globe. Cyber-diplomacy, which the program particularly supports, involves regulating the risks, consequences, and opportunities created by new digital technologies, such as artificial intelligence and blockchain, along with other diplomatic work.

Among the challenges in this aspect, several threats can be identified.

Firstly, the demand for the profession is at risk of being replaced by machines or at least transformed by the accelerated development of digital technologies and the active involvement of AI in processing large amounts of data on a global scale. It is also important to remember that diplomatic partners or geopolitical adversaries (states or sub-state entities) also use digital technologies in a competitive environment.

Digital technologies have accelerated the speed of events and, even more, the speed at which they are reported and discussed on social media. Technologies such as AI, machine learning, and quantum computing only amplify this trend. This will force diplomatic services to reconsider how their structures are organized, particularly how embassies abroad are connected to their foreign ministries. Effective interaction with social media already requires foreign ministries to delegate authority to diplomats abroad to participate in real-time debates on social media, as there is no time to refer to headquarters for instructions.

Secondly, technological challenges are associated with technical disorganization. As Riordan argues, algorithms that underlie social media, on which public diplomacy increasingly

depends, limit the effectiveness of such public diplomacy while facilitating disinformation and disruption operations (Riordan 2018, 46-50).

Social media has made diplomats lazy to some extent, creating an illusion that they allow diplomats to reach the entire public through tweets or Facebook posts. However, the issue lies in the fact that the algorithms used in targeted marketing also contribute to filtering news and opinions, presenting users with content that aligns with their preferences or beliefs. This poses a significant challenge for public diplomacy, as it necessitates finding effective methods to engage and influence a hostile audience rather than relying on disinformation campaigns or solely targeting those who already share similar views. More seriously, as in search engines, algorithms can spread disinformation and fake news to influence political debates and undermine them. The possibilities for the diplomatic sphere in the context of AI development can be traced as follows:

The optimization of human resources - for example, machines can perform some daily functions, freeing up time and speeding up and increasing the ability of "live people" in strategic planning. The key diplomatic skill - empathy, the ability to see the problem through the eyes of others or even opponents, stands as an argument in favor of the further existence of the diplomat profession in the era of artificial intelligence. The concept of a "shared experience" (Sharp 2009) plays a crucial role in the capability of diplomats to handle international affairs. It enables them to engage in meaningful discussions with diplomats from other nations, especially in conflicts where politicians may not effectively communicate. The evolution of new roles within the diplomatic service, such as a digitalization manager, is also foreseeable.

The demand for diplomatic skills - in the context of the restrictive properties of algorithms, the previous form of diplomacy in "pre-social media" comes to the fore. The fight against cyber disinformation and deactivation operations in the world of echo chambers reinforced by social media algorithms will require diplomats and politicians to return to the previous form of public diplomacy, using the orientation and cultivation of individual influential opinion formers to unite different echo chambers (Riordan, 2018, p.27).

Thirdly, the delegation of power. Accelerating events and information flows may force the foreign ministries to delegate wider powers to embassies and ambassadors. In the future, foreign ministries may be limited to setting diplomatic goals, missions, leaving it up to diplomats in the field to decide how to achieve them. The speed of response and the competition for audience attention has become paramount. In the context of the "paradox of abundance" (Perell 2021) of information, AI can serve as a valuable tool for diplomats in establishing authority and fostering trust. It can assist in continuously monitoring vast amounts of data and facilitate the swift identification of influential public figures.

## CONCLUSION

The era of artificial intelligence has swiftly permeated all aspects of life. The diplomatic apparatus executing foreign policy decisions and pursuing national and global objectives cannot remain detached from these innovative processes. Security concerns, traditional diplomacy, and public diplomacy in their various innovative dimensions (electronic, virtual, and cybernetic) are intrinsically intertwined with artificial intelligence technologies. In the future, the effectiveness of

these endeavors will hinge on diplomats' abilities and skills to adeptly harness and leverage new knowledge. Diplomacy for AI is called upon to address threats that will arise in cyberspace. Among the main threats are the security of territories and the prevention of wars, an alternative reality that requires further diplomatic work at the international legal level. Opportunities arise in the expansion of entities with which the diplomatic corps collaborates, that is, in the expansion of diplomatic knowledge and transfer of diplomatic knowledge to the level of the metaverse.

AI outlines a pool of threats and opportunities for diplomacy. Among the threats, it is worth highlighting the uncertain future of the demand for the diplomat profession and technological limitations. Readiness for change, the perception and understanding of new technologies, and elements of digital transformation management will become essential competitive components in diplomat training. When digital tools are effectively utilized, the diplomatic corps can exponentially enhance its capacity to accomplish national objectives. Simultaneously, the amalgamation of classical diplomatic methods such as negotiations, media engagement, public outreach, and engagement with diasporas can adeptly transcend technological limitations (such as echo chambers) and serve as a resistance element in the non-technical realm of hybrid warfare.

The threat and opportunity cycle is closing with the expansion of powers, which will inevitably become a characteristic of embassies in the context of accelerated information flows and reactions. Working with big data and leveraging digital capabilities, including AI, will give diplomats a competitive edge, partially transforming governance structures from hierarchical to linear.

The development of AI, machine learning, and blockchain technologies requires the scientific community to keep up with the times, identifying potential threats and solving urgent problems. It is important to research and determine the necessary skills and competencies of civil servants who will soon need to participate in managing alternative reality alongside technical specialists. The role of a diplomat is transforming into that of a manager who coordinates the activities of many actors (NGOs, activists, businesses) to achieve national goals. Technical staff (specialists in machine learning and big data, blockchain, and quantum technologies) is becoming another essential actor, with collaboration requiring a basic understanding of new technologies.

Another task is to identify ways to strengthen the potential of civil servants in the diplomatic field through artificial intelligence. It is important to conduct a thorough analysis of training programs for diplomatic institutions and educational programs that aim to train future professionals in the diplomatic field and identify positive practices for incorporating interdisciplinary components related to innovative thinking and knowledge of working with big data and machine learning for effective collaboration with technical specialists and increasing the capacity of diplomatic instruments. It is also important to further research existing and identify new requirements for civil servants in the context of digitization.

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# THE NON-MAJORITY COMMUNITIES' RIGHTS IN KOSOVO: IMPLEMENTATION OF THE RIGHT TO EMPLOYMENT AND EDUCATION

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**Abstract:** *International and national legislation guarantees the right to employment and education for every citizen, including members of non-majority communities. As a multi-ethnic state, Kosovo has very advanced legislation to guarantee access to employment and education for members of its non-majority communities. This study aimed to examine the actual level of enforcement of these two rights by members of non-majority communities. Relevant scientific works, local and international legislation, and statistical data on the level of access to the labor market and the education system of non-majority communities in Kosovo were consulted for this study. The research results show that access to the labor market and the education system varies across communities and has not continuously increased in 2015-2021. The situation has particularly affected the RAE community, which has the highest percentage of unemployment (over 90%) and the lowest access to pre-university education (below 5%). Therefore, this article recommends that relevant stakeholders take measures to ensure the proper enforcement of access to employment and education rights for non-majority communities in Kosovo.*

**Keywords:** *Education; Employment; Rights; Non-Majority Community; Kosovo*

## INTRODUCTION

Kosovo's population comprises 93% Albanians and 7% Bosnian, Serbian, Turkish, Roma, Ashkali, Egyptian, and other communities, as reported in 2011 by the Kosovo Agency of Statistics (KAS). The Constitution of the Republic of Kosovo places significant emphasis on the rights of non-majority communities, ensuring that they can live under equal conditions with other citizens of Kosovo (2008, Chapter 2.3; Myrtezani and Kamberi 2022). The Constitution of Kosovo recognizes the Framework Convention for the Protection of National Minorities (1994), the European Charter for Regional or Minority Languages (1992), and the European Convention for the Protection of Fundamental Human Rights and Freedoms (1950) as integral parts of Kosovo's legislation. These conventions outline the rights of non-majority communities in Kosovo, including the rights to employment and education. This paper aims to describe the guaranteed rights to employment and education for non-majority communities in Kosovo and assess the level of implementation of these rights. The level of participation of non-majority communities in Kosovo's labor market and education system supports the hypothesis that Kosovo's legislation provides comprehensive rights for the employment and education of non-majority communities in the country. However, the level of implementation of these rights

remains very low. The significance of this study lies in the comprehensive approach to understanding the employment and education rate of non-majority communities in Kosovo for 2015-2021.

The historical, interpretive, analytical, and empirical research methods were applied. The historical method enabled the description of the historical development of the legislation on the rights of non-majority communities in Kosovo. As part of the analytical approach, the existing scientific researches in this field were used as a source for grounded critical examination. Through empirical methods, relevant quantitative and qualitative data were collected, focusing on secondary data, information collected from research, and official information from Kosovo institutions.

## LITERATURE REVIEW

### Historical Development of Kosovo's Non-Majority Communities' Rights

Throughout history, wars have caused the division of nations, especially after world wars (Walter and Emmenegger 2022; Romain 2007; Kaufmann 1996). As a result, the new states had to guarantee the rights of non-majority communities and establish institutional protection mechanisms (Daci 2017). The United Nations and other international organizations took care of the protection of non-majority communities' rights by adopting the conventions listed above and others, such as the Convention on the Elimination of All Forms of Racial Discrimination (1965) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987). All these conventions aim at prohibiting discrimination against non-majority communities and obliging states to ensure the implementation of their rights, including the right to employment and education (Macklem 2008; Pejic 1996; Wippman 1998; Thornberry 1989).

For Cokoşatu (2012), a country is democratic if the non-majority community rights are guaranteed and implemented. Kosovo is one of these countries that guarantees these rights, including the right to employment and education (Constitution 2008, Articles 57, 59, 61; Landau 2018). Non-majority communities in Kosovo are entitled to participate in private and public education and employment in all public institutions (Bajrami 2011, 545). Of course, they can have access to employment in the private sector as well. These constitutional provisions were developed based on the so-called "Ahtisaari Package" (2007), a document that concluded the negotiation process for pre-status standards (Security Council 2003). The plan envisaged rights for non-majority communities in Kosovo beyond minimum international standards (Beha 2014, 87). To this end, following its declaration of independence, Kosovo adopted 40 laws to guarantee high standards of protection of non-majority communities in Kosovo (Bajrami 2011).

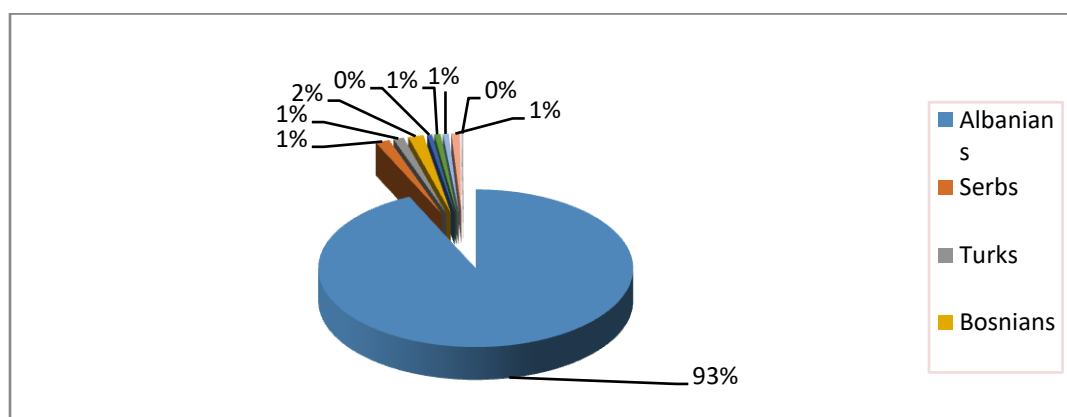
### Non-Majority Communities in Kosovo

International conventions have not so far defined the concept of a "non-majority community", leaving it at the discretion of individual states to do this based on international jurisprudence (Blazhevskaja 2022, 253). Scholars have also presented their thoughts and views on

this concept. Thus, Bajrami (2011) states that: "A community is usually considered a social unit (a group of people) having something in common, such as norms, values, and identity" (p. 223). Further, comparing different notions, he adds that "non-majority communities are groups of people living within a certain territory who have common elements such as language and customs" (Bajrami 2011, 223). As for the legal concept in Kosovo, the Law on the Protection and Promotion of the Rights of Communities and their Members in the Republic of Kosovo (2008, Article 3, para. 1.4) states that: "communities are defined as national, ethnic, cultural, linguistic, or religious groups traditionally present in the Republic of Kosovo that are not in the majority" The present study adopts this definition.

The Constitution (2008, Article 3) defines Kosovo as a multi-ethnic society consisting of the majority Albanian and non-majority communities (Vejseli and Kamberi 2021; Krasniqi and Bajraktari 2021). As a country that recognized the existence of non-majority communities within its territory immediately after the declaration of independence (Halili 2019), Kosovo appreciated its approach to ethnic diversity within a society emerging from the war (Baliqi 2018).

Throughout history, Kosovo has been under different rulers and regimes, and a part of the non-majority community remained from those times but also immigrated later. Figure 1 presents the composition of the population of Kosovo in percentage and by ethnicity. As depicted in the data, the population of Kosovo consists of 93% Albanians, while the remaining 7% is comprised of other non-majority communities, including 2% Bosniaks, 1% Serbs, 1% Turks, 1% Egyptians, 1% Gorani, and 1% Ashkali. Geographically, these communities are distributed throughout Kosovo (Council of Europe 2012), with the Serbian community primarily concentrated in the northern part, the Turkish, Bosnian, and Goran communities in the southern part, and the Ashkali community in Fushë Kosovë (Baldwin 2006, 9-10).



**Figure 1: Percentage of Population in Kosovo by Ethnicity**  
(Source: Authors' depiction based on data from KAS 2011 and Berisha 2020)

### **Institutional Mechanisms for Protecting Rights of Non-Majority Communities in Kosovo**

To ensure the implementation of their rights, members of non-majority communities as equal citizens of Kosovo have recourse to state institutions such as the court, the prosecution office, the police, the security forces, and the Ombudsman. In addition, special institutional

mechanisms established at the national and municipal levels can also be utilized, as presented in the following table (Table 1). The effectiveness of these mechanisms lies in the genuine integration of these communities into Kosovo institutions (Fernandez 2011).

**Table 1: National and Local Institutional Mechanisms for Protection and Promotion of Non-Majority Communities' Rights in Kosovo** (Source: Authors' depiction based on data from Kosovo Government; Kosovo Assembly 2023; Constitution 2008; Law on Local Self-Government 2008; Regulation No. 02/2010)

| National Level/Institution  | Mechanism   |
|-----------------------------|---|
| Kosovo Presidency           | Consultative Council for Communities  |
| Kosovo Assembly             | 20 seats reserved; Committee for the Rights and Interests of Communities and Return; Vice-President   |
| Kosovo Government           | Deputy Prime Minister; ministers, deputy ministers; Office for Good Governance, Office for Community Affairs, and Office of the Language Commissioner |
| Supreme Court               | 15% of the judges should be from non-majority communities, but not less than three  |
| Municipal Level/Institution | Mechanism   |
| Municipal Assembly          | Deputy Mayor  |
| Municipal Administration    | Municipal Office for Communities and Return   |

## RESEARCH RESULTS AND DISCUSSION

The legal and institutional framework is a strong basis for ensuring the non-majority communities' rights in Kosovo, including rights to equal access to the labor market and the education system (Hajraj 2020). However, this legal and institutional security is not enough if the practical implementation of these rights is not at a satisfactory level to enable full integration and well-being of the non-majority communities in Kosovo.

*What is the percentage of non-majority communities' participation in the labor market in Kosovo?*

KAS (2023a) publishes data on the level of employment on a quarterly and annual basis. According to Figure 2, the percentage of Kosovo citizens' employment rate from 2012 to 2021 increased from 25.5% to 31%. KAS has not yet published the data for 2022. However, these data are not disaggregated by ethnicity (KAS 2023b).

Due to the lack of data disaggregated by ethnicity, the research is based on several reports of the Government of Kosovo (2015; 2017; 2018), which show that the percentage of registered unemployed persons from 2015 to 2018 is as follows: i) 88.4% Albanian, 3.9 % Serbian, and 7.7% other non-majority communities - in 2015; ii) 85.6% Albanians, 2.5% Serbian, and 11.9% other non-majority communities - in 2017; iii) 83.6% Albanian, 7.7% Serbian, 1.7% Bosnian, 1.8% Roma, 2.8% Ashkali, 0.9% Egyptian, 0.5% Turkish and 1.1% others - in 2018. According to Sadiku (2019), the unemployment rate for 2019 was 40%-90% for Serbs; 35% to 90% for Turks; 75%- 95% for Bosnians; 95%-100% for the Roma, Ashkali, and Egyptian communities; and 90%-95% for Gorani.

The European Commission has found in the last six years (2017, 60; 2018, 60; 2019, 67; 2020, 79; 2021, 88; 2022, 89) that the unemployment rate for the RAE community remains worrisome, with a rate of over 90%. The International Labor Organization (2018, 15) also found that the RAE and Gorani communities have the lowest access rate to the labor market.



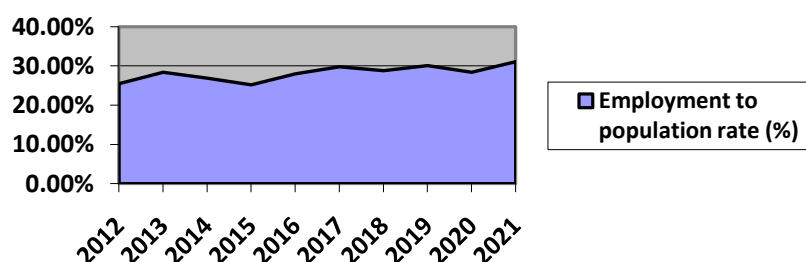


Figure 2: Employment to Population Rate (%) 2012-2021  
(Source: Authors' depiction based on data from KAS 2023a)

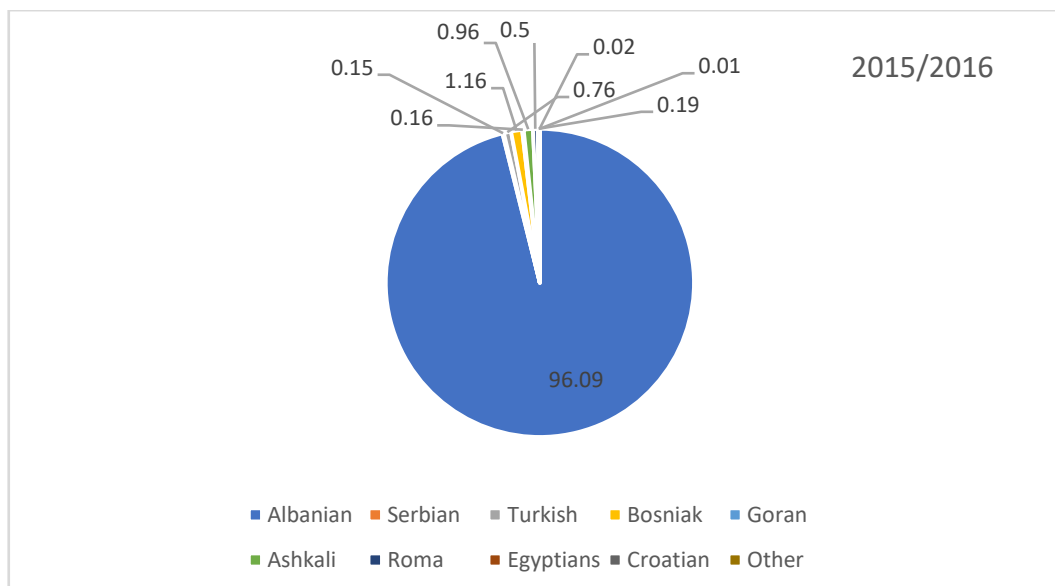
*What is the percentage of non-majority communities' participation in the education system in Kosovo?*

Pre-university education in Kosovo is implemented following the Kosovo Curriculum Framework (2016) developed by the Ministry of Education, Science and Technology (MEST) in Kosovo. Schools can provide education in the Serbian language based on the curriculum and textbooks prepared by the MEST of Serbia (Stevens 2008, 9), subject to the approval of Kosovo's MEST. Education in the Albanian language is provided at the pre-university level throughout the territory of Kosovo, with some exceptions in municipalities inhabited mainly by the Serbian community, where some levels of education are provided in other languages spoken by non-majority communities (Organization for Security and Cooperation in Europe 2018). Bigagli (2019) questions whether this decentralized education system in Kosovo that enables learning in the Serbian language using the curriculum of Serbia is strengthening the integration of these communities in society or deepening the division among communities.

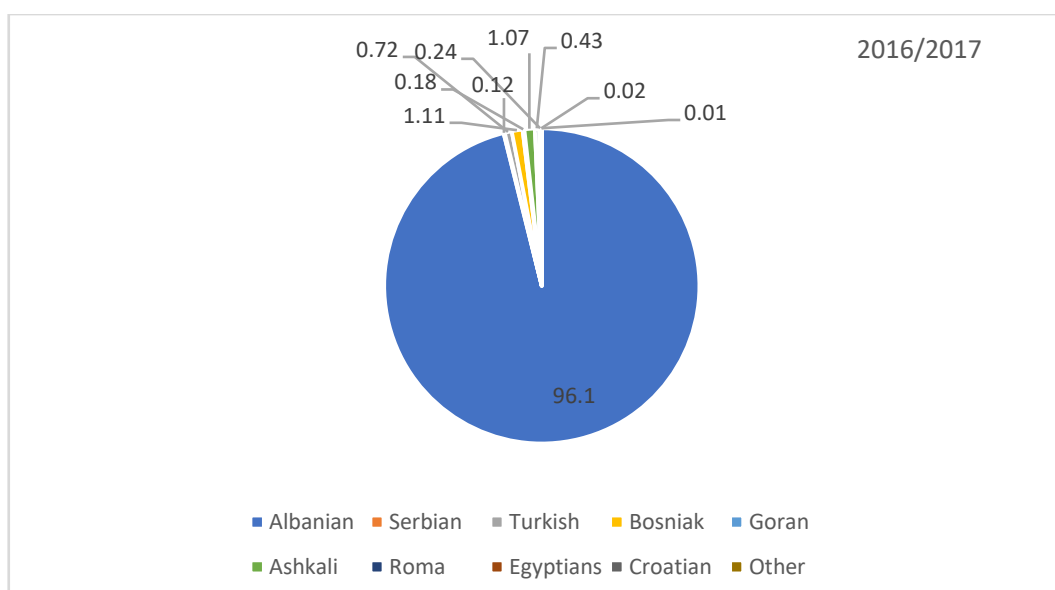
However, the international community has supported the development of an inclusive education system in Kosovo that enables the integration of these communities (Bajrami 2017; Beka 2015) and has financed education programs for years, such as the Young Cell Scheme (2023; European Commission 2022). EU Member States have contributed a lot to the modernization of the education system in Kosovo after the war (Selenica 2018; Sommers and Buckland 2004; Tahirsylaj and Wahlström 2019), with the incorporation of different concepts (Bache and Taylor 2003), such as learner-centered education (Zabeli et al. 2018), digital transformation (Gjelaj et al. 2020; Limani et al. 2019) and the teacher's role (Saqipi et al. 2014; Rama 2011). However, the European Commission (2022) and François (2014) estimate that Kosovo is still in the early stages of development in education and that its quality needs further improvement.

Figures 3-8 depict the percentage (%) of non-majority communities' participation in public pre-university education from 2015 to 2021. Consequently, the overall participation of non-majority communities during this period ranged between 4% and 5%. However, the Serbian, Roma, Egyptian, and Gorani communities experienced significantly lower access levels below 5%.

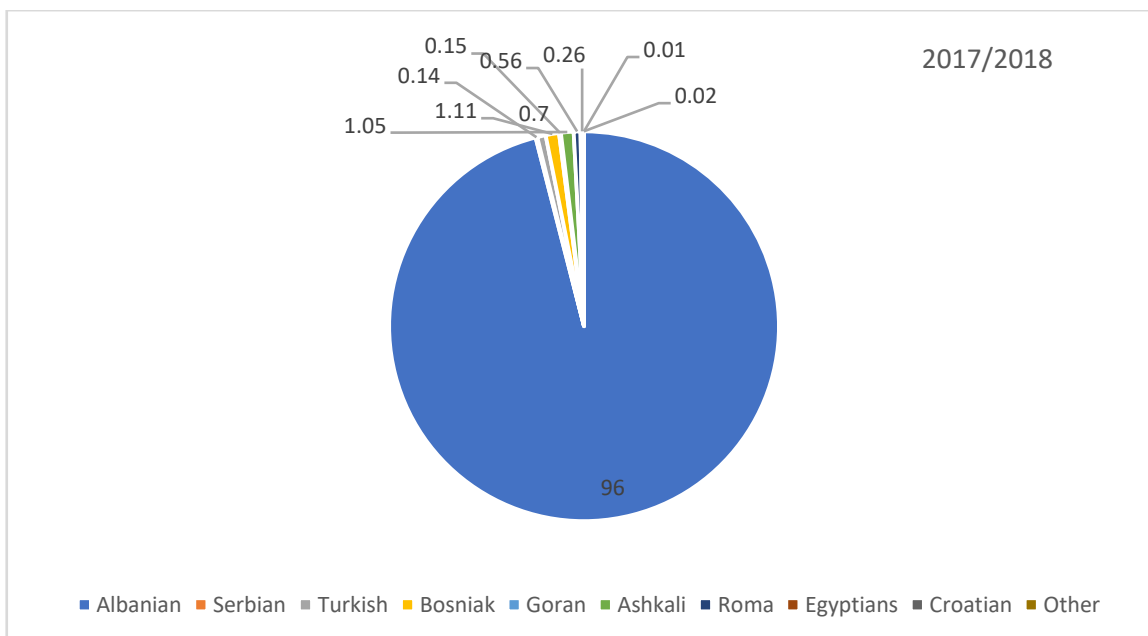




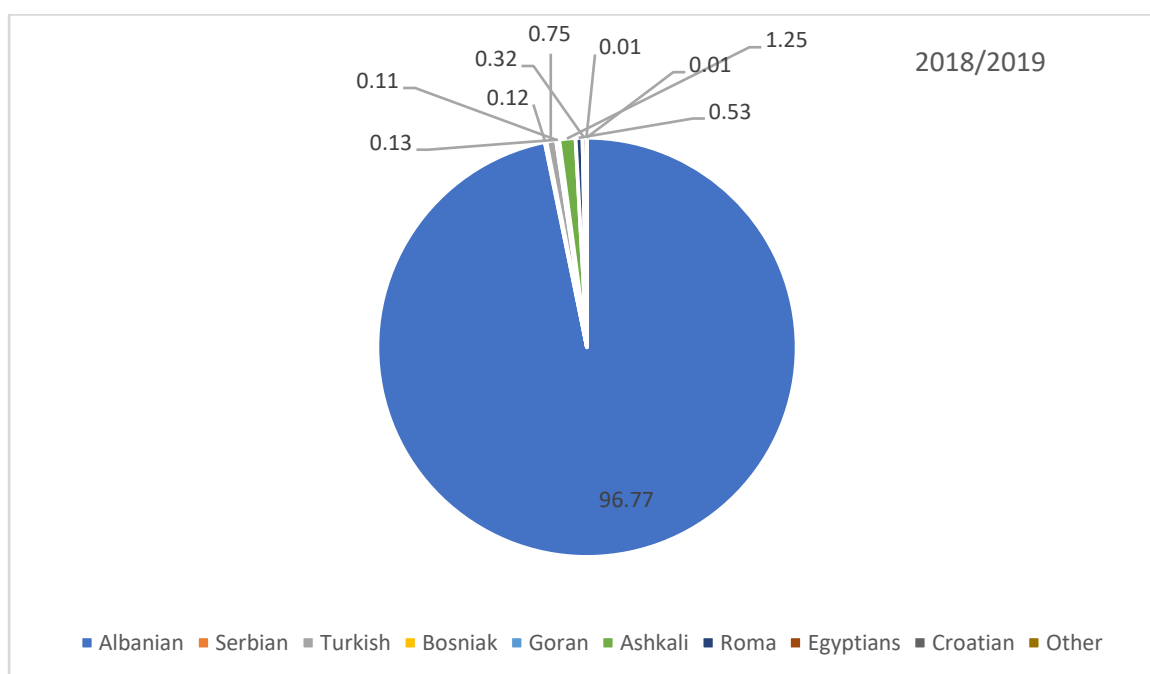
**Figure 3: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2015-2016 (Source: Authors' depiction based on data KAS 2023c)**



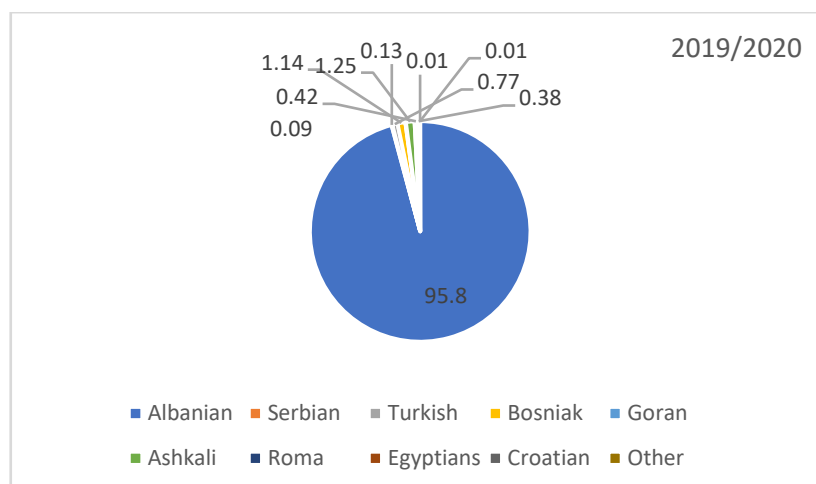
**Figure 4: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2016-2017 (Source: Authors' depiction based on data KAS 2023c)**



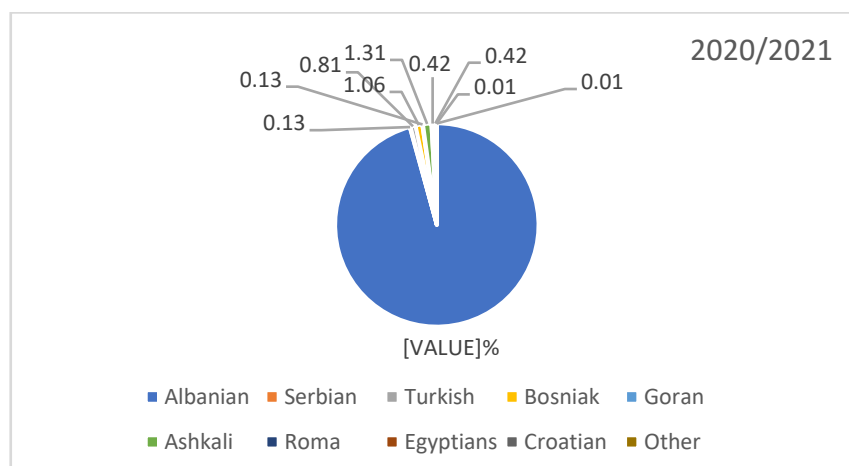
**Figure 5: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2017-2018 (Source: Authors' depiction based on data KAS 2023c)**



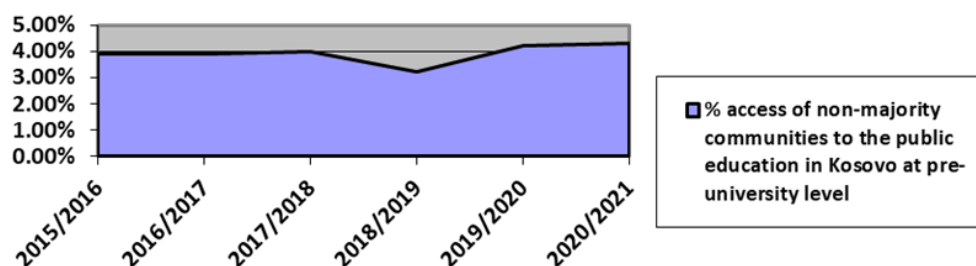
**Figure 6: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2018-2019 (Source: Authors' depiction based on data KAS 2023c)**



**Figure 7: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2019-2020 (Source: Authors' depiction based on data KAS 2023c)**



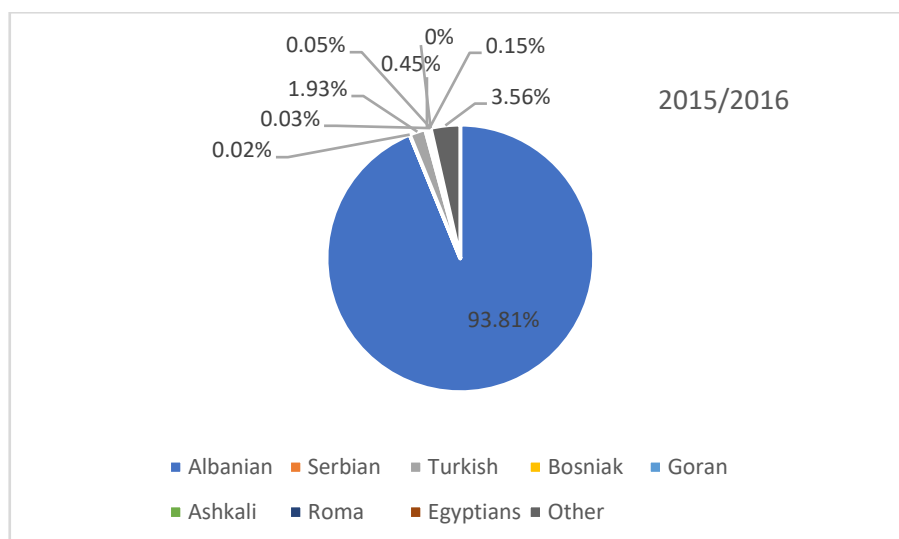
**Figure 8: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2020-2021 (Source: Authors' depiction based on data KAS 2023c)**



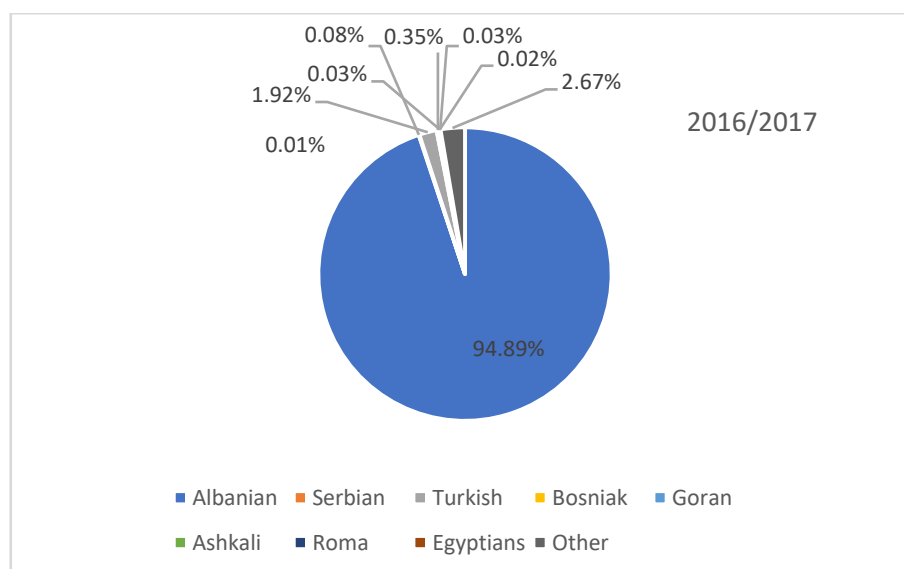
**Figure 9: Trend of Non-Majority Communities' Participation in Public Pre-University Education 2015-2021 (Source: Authors' depiction based on Figures 3-8)**

As depicted in Figure 9, the trend of participation remained constant from 2015 to 2018, followed by a decrease in 2019 and a marginal increase from 2019 to 2021.

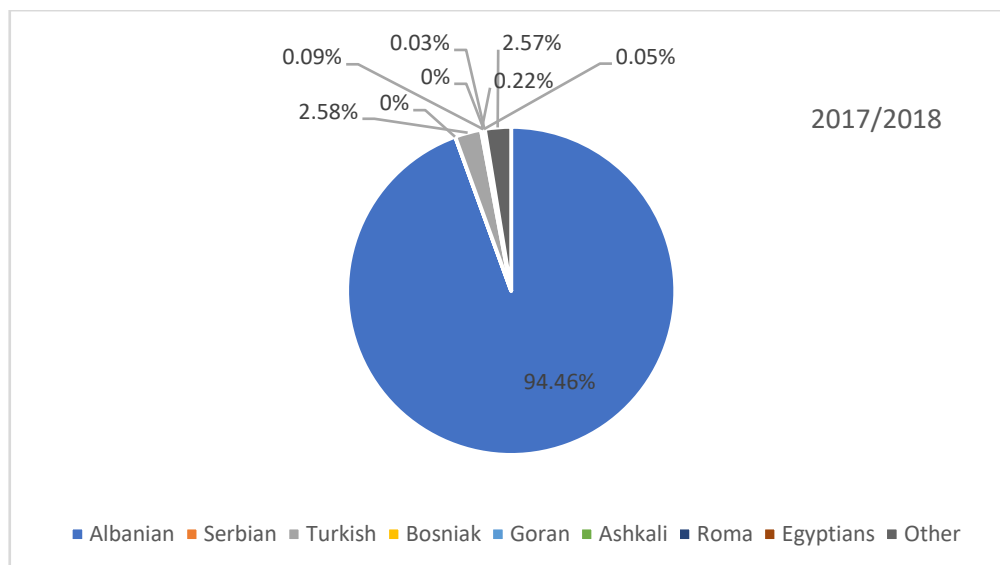
The data presented in Figures 10-15 indicate that the access of non-majority communities to private pre-university educational institutions was low during the years 2015-2021. Therefore, participation in private pre-university education is also unsatisfactory.



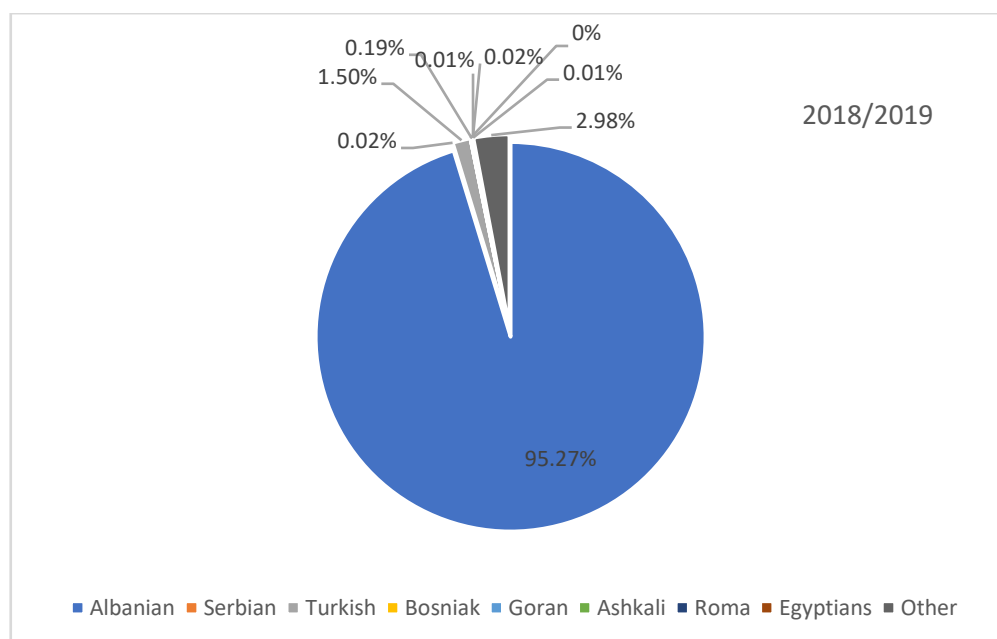
**Figure 10: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2015-2016 (Source: Authors' depiction based on data from KAS 2023)**



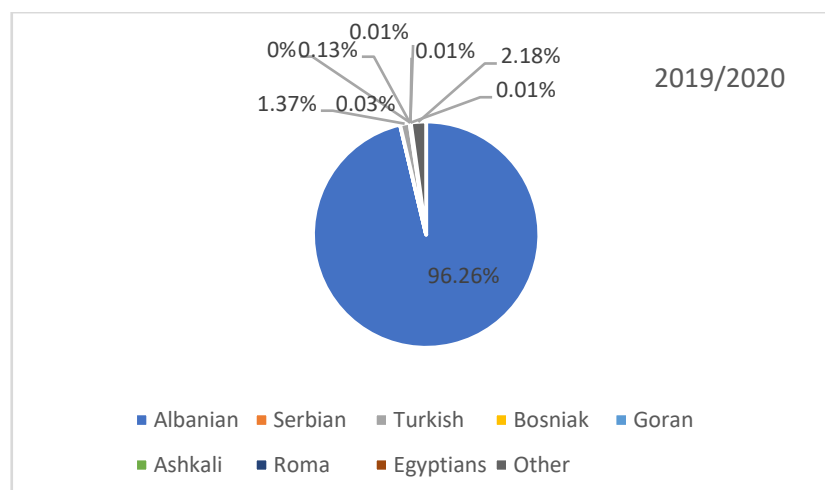
**Figure 11: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2016-2017 (Source: Authors' depiction based on data from KAS 2023)**



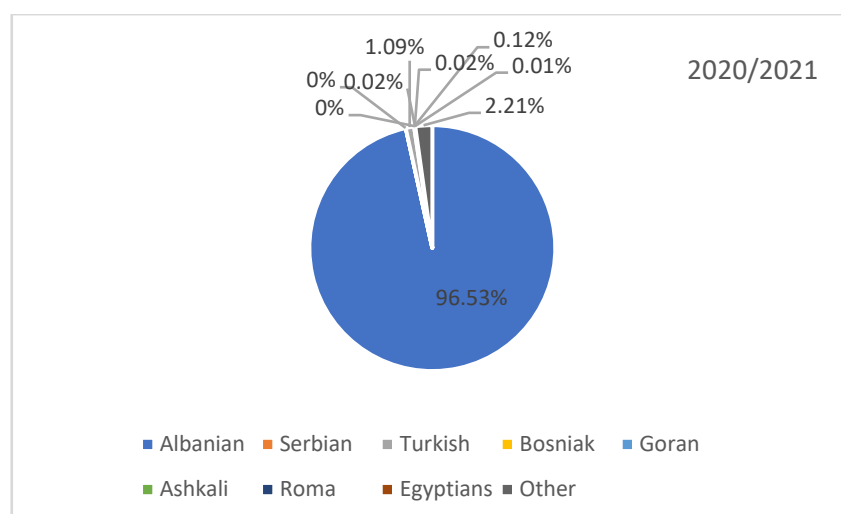
**Figure 12: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2017-2018** (Source: Authors' depiction based on data from KAS 2023)



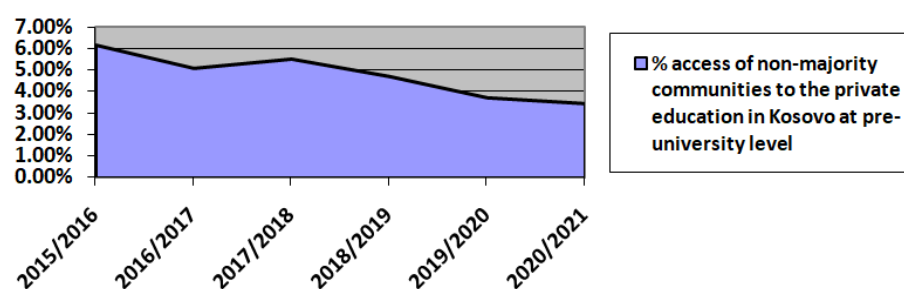
**Figure 13: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2018-2019** (Source: Authors' depiction based on data from KAS 2023)



**Figure 14: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2019-2020** (Source: Authors' depiction based on data from KAS 2023)



**Figure 15: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2020-2021** (Source: Authors' depiction based on data from KAS 2023)



**Figure 16: Trend of Non-Majority Communities' Participation in Private Pre-University Education 2015-2021** (Source: Authors' depiction based on Figures 10-15)

As shown in Figure 16, the trend of their participation declined from 2015 to 2021.

Regarding access to higher education in Kosovo, KAS (2023c) does not publish official data disaggregated by ethnicity. Consequently, this study does not include data on this level of education. However, it is worth noting that some of the public universities in Kosovo provide study programs in the Bosnian, Serbian, and Turkish languages (Jusufi 2021; Hüseyin et al. 2019; Arraiza 2015).

*Why is the level of implementation of these two rights by the non-majority communities in Kosovo so low?*

Various studies (Sadiku 2019; Williams 2017, 13) explain this situation, attributing it to several factors that have had a negative impact. The Roma and other non-majority communities in Kosovo encounter challenges accessing the labor market and education. Some factors hindering the realization of employment and education rights for non-majority communities in Kosovo are outlined below.

*Why is there unsatisfactory participation in employment by non-majority communities in Kosovo?*

Fernandez (2011) sees a need to develop a specific strategy for marginalized communities such as the RAE community. This approach could also be suitable for other non-majority communities in Kosovo. However, official and accurate data on the employment rate for each non-majority community in Kosovo would be a prerequisite.

The KAS does not keep data on employment rates by ethnicity. In addition, there is a lack of reliable data on employed members of non-majority communities in Kosovo, rendering Fernandez's approach ineffective and challenging. Developing a strategy without official data on the unemployment rate for non-majority communities would be unrealistic.

In addition to these factors, the level of education of these communities is also a primary prerequisite for their employment. To Elsayed (2020), education is one of the determinant factors for labor market efficiency. The data above prove that members of the non-majority communities in Kosovo have a low level of education. At the same time, they have limited access to the labor market.

*Why is there unsatisfactory participation in education by non-majority communities in Kosovo?*

The data above show that non-majority communities in Kosovo have limited access to education and do not fully enjoy their right to education, particularly in terms of education in their mother tongue. Regarding the latter, the Serbian community has greater opportunities than the other communities (Rrahmani 2020). Members of the Turkish and Bosnian communities also have the opportunity to attend education in their mother tongue in some schools. The situation is worse with the RAE community. They have to choose an education in one of the languages spoken by other communities in Kosovo. However, although Serbs can pursue education in their mother tongue, their access to pre-university education is low.



The factors influencing the implementation of the right to education in these communities vary, while common factors listed as determinants by international and local organizations are: i) the small number and uneven distribution of preschool institutions in Kosovo; ii) lack of adequate infrastructure, transport, and didactic materials; iii) high school dropout rate; iv) the insufficient number of qualified teaching personnel in the languages of the communities; v) early marriage and lack of support from the family; vi) low level of education of parents and cultural mentality of families; and vii) poverty, insufficient level of inter-institutional and community cooperation (EC 2022; OSCE 2018, 10-14; Kosovo Integration Initiative 2020, 14).

## CONCLUSION

The data presented above confirm the hypothesis that there is a discrepancy between the rights to employment and education guaranteed in Kosovo legislation for non-majority communities and their implementation in practice (Bexullli et al. 2020; Mulolli 2020). Besides the Serbian community, which has a slightly higher employment rate (45%-90% depending on the Kosovo municipality where they live), over 90% of members of other non-majority communities are unemployed. This percentage could be even higher if the official data on employment rates for all ethnic communities were available.

Regarding access to education, participation is too limited at the university level. In the absence of official data, the percentage of participation of non-majority communities at this level of education can be assumed based on data on pre-university education. Access to pre-university education is crucial for enrollment in higher education studies. This correlation highlights that lower access to pre-university education results in lower participation of these communities in university education. The limited participation in education can be attributed to occasional transportation shortages, low socio-economic status, inadequate availability of high-quality schools, insufficient educational infrastructure, and a lack of quality textbooks. Additionally, some non-majority communities face difficulties attending classes conducted in their mother tongue.

The institutions of Kosovo are responsible for including these communities in the labor market and the education system and should thus take measures to address these challenges. Some such measures are listed below:

- Advance the active platform for registration of unemployed persons in Kosovo according to ethnicity;
- The Kosovo Agency of Statistics should publish data on employment by ethnicity;
- The Kosovo Agency of Statistics should publish data on access to higher education disaggregated by the ethnic community;
- There should be cooperation with donors, NGOs, and non-majority communities in Kosovo to address infrastructural, social, and cultural challenges;
- Identify short-term and long-term solutions for ensuring professional staff that could provide education in the mother tongue of non-majority communities;
- Develop a pilot project for online learning in cooperation with countries with professional staff teaching in the mother tongue of non-majority communities in Kosovo.

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# ENVIRONMENTAL ISSUES AND FINANCIAL CRISES DISMISS LAISSEZ-FAIRE CAPITALISM

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**Abstract:** *This paper addressed the globally spread challenges that countries face, such as environmental issues, which have been accumulated for years, and financial crises, which have been repeated many times in the world's economy during capitalism. Indeed, through a qualitative scientific approach, the article argued that laissez-faire economics or laissez-faire capitalism (as an economic system or doctrine, i.e., a liberal and classical view of economics) is not the right way to overcome and deal with these problems. Instead, some interventions in the economy and cooperation between countries and the respective institutions are required so that these difficulties (environmental issues and financial crises), which do not recognize borders, are prevented and afforded properly. Thus, this publication presented how challenging environmental issues are, which are spread worldwide, and it also discussed financial crises, such as the 2008 Financial Crisis (also known as the Great Recession) and the Great Depression of the 1930s. Overall, this paper concluded that dual crises (environmental and financial crises) are the robust proofs that dismiss the extreme form of capitalism or economics, known as laissez-faire.*

**Keywords:** *Environmental Issues; Financial Crisis; Laissez-Faire; Interventions; Sustainable Economic Development*

## INTRODUCTION

This paper aims to raise awareness among readers about the gravity of environmental issues and financial crises the world is experiencing. It argues that laissez-faire policies need to be replaced with interventions in the economy, advocating for a mixed-economy system. The research questions addressed in this article are as follows: Can environmental issues and financial crises be resolved by implementing *laissez-faire* capitalism without any interventions in the economy? How challenging are environmental issues? How did we reach this level of the problem? How should financial crises be prevented and treated? The hypothesis raised in this paper is that *laissez-faire* economics (or capitalism), with no interventions into the economy, is not the solution to the environmental and financial crises. Instead, some interventions in the economy are required. This paper supports this hypothesis through interpretivism, a literature review, empirical research, and a qualitative scientific approach and analysis.

In other words, this paper argues that countries worldwide should not abandon the market economy with free competition. However, it suggests that the *laissez-faire* paradigm and policies associated with it should not be practiced due to the significant challenges the world is facing, such as environmental issues and financial crises. The paper emphasizes the necessity and inevitability of interventions in the economy to address these challenges. Indeed, since these difficulties, i.e., environmental issues and financial crises, are worldwide and do not

recognize borders (especially environmental issues, i.e., pollution - climate changes), they have to be challenged in coordination between countries globally; such an example (a good one to follow) of the coordination and international initiative might be considered the European Commission Communication of the European Green Deal (2019) - with the hope that it is implemented efficiently, so the sustainable economic development, as an ultimate goal of this communication, is reached. On the contrary, the lack of coordination examples was the 2008 Financial Crisis and the Great Depression of the 1930s.

While discussing *laissez-faire* economics (*laissez-faire* capitalism) in this paper, it should be mentioned that this concept, doctrine, and philosophy of economics has been supported and criticized by different economists and social science authors constantly since Economics was invented in the 18th century. As it is presented by Skousen (2016, 6-14) in his book "The Making of Modern Economics", this ideology of economics (*laissez-faire* - meaning: leave things alone or let them be) is a classical view of economics and has lived for centuries, since it is related to Adam Smith's "natural liberty" and "the invisible hand", later preached and advocated firmly by some economists, e.g., one from the Austrian School of Economics worth mentioning is Friedrich von Hayek, who was a big criticizer of John Maynard Keynes, who called for the abandoning of *laissez-faire* policies. From the school of thought point of view, Mark Skousen (a living American economist) is considered a *laissez-faire* economist since he encouraged the Austrian School of Economics, which school, of course, is viewed as *laissez-faire* and from which came Friedrich von Hayek, one of the biggest advocates of *laissez-faire* doctrine. Skousen (2016) also talked about the public choice theory of Buchanan and Tullock, which theory's main idea is that even government (after all) is made of individuals (i.e., politicians) that might have the same egos and interests as business people, therefore react in a way that they hope of winning elections again.

However, nowadays, well-known economists, such as Paul Krugman and Joseph E. Stiglitz, considered Neo-Keynesian and New Keynesian economists, favor government interventions in the economy occasionally and against extensively *laissez-faire* doctrine. More specifically, Stiglitz (2019), in his book "People, Power, and Profits: Progressive Capitalism for an Age of Discontent" argues that globalization functioning without government interventions presented to people as the best way to develop the world's economy from which everyone would be a winner, is not a convincing claim because that was not the case for ordinary people working around the world, while major corporations have been gaining from it (the globalization system) a lot and have become much more influential worldwide. Nonetheless, through the book "Post Keynesian and Ecological Economics: Confronting Environmental Issues", edited by Holt, Pressman, and Spash (2010), there is a massive and evidenced criticism shown towards mainstream economics (i.e., *laissez-faire* capitalism), arguing that their present models and approaches are limited in their ability to analyze and develop adequate public policy to deal with environmental issues and to reach sustainable economic development. In fact, in favor of government interventions (which means against extensive *laissez-faire* capitalism policies) are also Thomas Piketty (2014), Naomi Klein (2014), Paul Krugman (2018), Donald Gibson (2011), Jerry Courvisanos (2005, 2012), of course, with differences between their views as well, such as environmental issues, climate changes, externalities, inequality perspective, financial crises views, etc.

## ENVIRONMENTAL ISSUES

Mass manufacturing companies around the world, since the Industrial Revolution, have been credited for the high standard of living enjoyed by society. However, they also bear responsibility for the environmental consequences in their respective societies. Thus, it can be argued that there have been trade-offs between economic development and environmental damage. Consequently, in the 21st century, the challenge and goal of sustainable economic development should be taken seriously: developing the economy while simultaneously protecting the environment. The idea is not to have a perfect environment (with perfect air and water) but to have a solution towards sustainable growth concerning the future by deciding the environmental quality desirable, then making the interventions in the economy with adjustments (restrictions and measures, e.g., taxation), so the respective level of environment quality leads to sustainability (Callan and Thomas 2013, 2-7).

Based on the environmental issues that the world is facing, which need to be surpassed by proper measures and interventions as soon as possible, it can be said that environmental economics, i.e., environmental economists, are going to have a crucial role in the years to come with their contributions and ideas that they should propose to policymakers all over the world. Indeed, the science of economics itself has become even more relevant nowadays in facing environmental issues by recommending models, solutions, and relevant measures to competent authorities worldwide on how to intervene in the economy and make adjustments in the different sectors that have been causing environmental damage for a long time. Even one should recall that environmental economics or ecological economics, in a way, was backed by the Degrowth theory of the French philosopher Andre Gorz in 1972; thus, such environmental issues concerns are not new (Nelson and Hickel 2020, 7).

Certainly, it should be mentioned that in 2019 the European Commission made the communication, as it prescribed, from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee, and the Committee of the Regions about the European Green Deal and its citizens. To underline how serious environmental issues are, it is worth explaining that one million species (out of eight that are in total) could be disappeared, while forests and oceans are being damaged constantly, according to the respective document (The European Green Deal 2019, 2), which data is said to have sources of Intergovernmental Panel on Climate Change (IPCC) reports. The European Commission Communication (2019) idea about The European Green Deal is to challenge environmental issues by transforming the EU economy with recourse-efficiency, clean energy supply, and of course, with no net emission of greenhouse gases by the year 2050. It can already be observed that the EU has undertaken measures to modernize and transform its economy toward climate neutrality. For instance, between 1990 and 2018, greenhouse gas emissions were reduced by 23%, while the economy grew by 61% (The European Green Deal 2019, 4). Moreover, the respective Communication (2019) of the European Commission, which set the policies and goals of the EU citizens regarding the European Green Deal, also explains that the respective deal is an integral part of the United Nations' 2030 Agenda, which aims to coordinate the macroeconomic economic policy with the United Nations goals, so the sustainable economic

development and the well-being of the citizens around the world are achieved successfully (The European Green Deal 2019, 3).

While discussing environmental issues, in the aspect of the origin, respectively in the feature of the causes of the environmental issues, they might be classified or divided into two categories: natural pollutants (which are not related to the human behavior in the environment with production and consumption); and anthropogenic pollutants - (which are related to human behavior in the environment with production and consumption). Thus, environmental economics and economists focus primarily on environmental issues caused by human behavior, such as anthropogenic pollutants (Callan and Thomas 2013). Additionally, post-Keynesian economists have expressed concerns for the future and argue that government policy interventions are necessary to address environmental issues. They have also introduced the concept of social rationality, highlighting the potential for herd behavior and the formation of economic bubbles while considering the environmental impact. Similarly, ecological economists are seriously concerned about the future because of environmental issues, even though their approaches differ from the post-Keynesians. However, still, the pivotal common point of these two schools of thought (post-Keynesian and ecological economics), which is directly related to this paper, is that they are in a way against mainstream economists or neoclassical conclusions, i.e., against *laissez-faire* policies and ideas (Holt, Pressman, and Spash 2010, 3-17).

After all, the main goal of every initiative in the field of environmental issues, for example, initiatives of the EU, UN, EPA (United States Environmental Protection Agency), etc., and the goal of environmental economics itself, which is a pivotal field of study in economics that is concerned with identifying and giving the proper solutions to environmental issues, is reaching sustainable economic development. This concept is much broader than economic growth - as it is known, measured with a real Gross Domestic Product (GDP) increase, compared to the previous period, without caring about the environmental issues (for which issues sustainable economic development concept cares). Indeed, environmental issues can provide further support for striving toward the complete implementation of the Genuine Progress Indicator (GPI) concept. The GPI considers not only economic indicators but also accounts for the costs associated with environmental damage. It is seen as an alternative to the Gross Domestic Product (GDP) and aligns with achieving sustainable economic development.

## FINANCIAL CRISES

Throughout history, financial crises have been repeated worldwide, caused by different factors, and have created various consequences for specific countries. Therefore, the focus of this paper is not to delve into all the financial crises, their consequences, and underlying causes. Instead, the aim is to briefly address the 2008 financial crisis, commonly called the Great Recession, and provide insights into the Great Depression of the 1930s. Both of these crises posed significant challenges to the doctrine of *laissez-faire* capitalism and the respective economic doctrines. Indeed, the Great Depression and the 2008 financial crisis (i.e., the Great Recession) are the most discussed crises nowadays, maybe the first one (Great Depression) because of being the biggest one, and the other (2008 financial crisis) because of being the most recent one. However, these are not the only crises that society has faced, of course. In fact,

since the existence of capitalism, crises have been repeated constantly in the market economy with free competition, especially in the aspect of unemployment - one of the most important macroeconomic aggregates. So in these kinds of crises, government interventions in the economy, even without the most proper measures and policies, can improve matters. John Maynard Keynes, almost a century ago, explained and taught society (governments around the world) that they (governments) can play a pivotal role in the reduction of unemployment, which was the case during the Great Depression (Stiglitz 2019).

Adam Tooze (2018, 142-154), in his book "Crashed: How a Decade of Financial Crises Changed the World" presented the 2008 financial crisis as "the worst financial crisis in global history". Real estate prices in the United States were high in 2006. However, they later plummeted, leading to financial difficulties for families who struggled to repay various debts while consumer demand declined. These signs indicated a recession and crisis, spreading to other countries such as the United Kingdom, Spain, Ireland, and more. The securitization of mortgages was expected to alleviate the situation by spreading the risk and making it more manageable. Unfortunately, this was false, as these mortgage securities were subsequently resold and concentrated within the vulnerable and reckless "shadow banking system" (Tooze 2018, 142-154). In the book "The Fed and Lehman Brothers - Setting the Record Straight on a Financial Disaster" Ball (2018, 1-10) discusses the bankruptcy of Lehman Brothers bank by presenting it as the main event of the 2008 financial crisis - which bank was founded in 1850, i.e., it even survived the Great Depression of the 1930s. Lehman Brothers, with \$600 billion in assets, was the largest US corporation to go bankrupt in the history of the whole industry - since it passed the record of WorldCom, which went bankrupt in 2002 and was the record holder till the Lehman Brothers bankruptcy. Indeed, despite being ranked as the "most admired securities firms" by "Fortune" magazine in 2007, the fourth largest investment bank at that time went bankrupt (Ball 2018).

The 2008 financial crisis, occurring during globalization and interconnected financial markets and stock exchanges, rapidly spread worldwide. The extent of the crisis depended on the level of economic globalization and integration into financial markets, with more integrated economies experiencing its effects more swiftly. The crisis resulted in numerous consequences that required government interventions and global actions to overcome. While this is just a brief overview of the 2008 financial crisis, delving into the details is beyond the scope of this paper. Instead, the aim is to establish a connection between the crisis and the concept of laissez-faire economics. On the other hand, Crafts and Fearon (2013, 1) argue in their book "The Great Depression of the 1930s: Lessons for Today" that the Great Depression fully deserves the title since it was the greatest economic catastrophe of modern history, just like John Maynard Keynes explained in 1931. Moreover, in their book (mentioned above), Crafts and Fearon (2013) provide statistics on unemployment during the Great Depression of the 1930s in advanced countries, which was much higher than the unemployment caused by the 2008 financial crisis (they call it the Great Recession).

There are at least two approaches to explaining the financial crisis by the Post Keynesian economics, one is known as Minsky's financial instability hypothesis, and the other is known as Godley's stock-flow-consistent method.

Minsky argued that the main cause of the crises is the accumulation of debt by the sectors not within the government bodies, for example, hedge, speculative, and Ponzi borrowers. One can freely argue that this was the case in the 2008 financial crisis, as well, over a decade after Hyman Minsky passed away. While Godley's stock-flow-consistent method is more of the mathematical or an accounting approach, that money comes from somewhere just like it goes somewhere (Keen 2015, 298-324). Moreover, in the book "Economic Development and Financial Instability: Selected Essays", Kregel (2014) describes the financial sector as very vulnerable to a financial crisis if improperly supervised. Similarly, in the academic article titled "Financial Markets Meltdown: What Can We Learn From Minsky?" by author Randall Wray (2008), during the ongoing spread of the 2008 financial crisis, the argument was made that the current financial system is fragile due to deregulations, innovations, and the so-called securitizations. Furthermore, it is noteworthy to mention Charles J. Whalen, who, in his paper "Post-Keynesian Institutionalism after the Great Recession", described the 2008 financial crisis as not only traumatizing the world economy but also reaffirming to nations worldwide the inherent instability of conventional economics.

All in all, it can be stated that economic crises have occurred repeatedly, with economists engaging in years-long debates about their causes. However, empirical knowledge leads us to understand that the market economy, in and of itself, is inherently unstable and vulnerable. Moreover, the subsequent discussion below explores the need for government interventions, critically examining the concept of *laissez-faire* capitalism.

### ***LAISSEZ-FAIRE* CAPITALISM DISMISSED**

According to Klein (2014, 39-46), nowadays, you cannot oppose government intervention since the world's habitability is directly dependent on it; i.e., letting the economy work by itself cannot solve environmental issues accumulated for years. Even Klein (2014) is against economic costs calculations (cost-benefits calculations of neoliberal economists) of government interventions in the short term regarding environmental issues. *Laissez-faire* economics, or how is often known as *laissez-faire* capitalism, with no interventions of the state in the economy - leaving it to develop and operate almost fully freely, for Piketty (2014, 136) is a "traditional doctrine" which was highly dismissed in the 1930s financial crisis, respectively in the crisis known as Great Depression; after which, people widely searched for different kind of mixed-economy systems as a solution to the traditional and classical one - which was not working properly. Moreover, Stiglitz (2013), in his publication named "Lessons from the Global Financial Crisis of 2008", argued firmly that government interventions in micro and macro aspects are required - which financial crisis might be said that is another argument against a *laissez-faire* economic system. Even in his book "People, Power, and Profits: Progressive Capitalism for an Age of Discontent", Stiglitz (2019) firmly argues that economic crises, such as unemployment (also the Great Depression is mentioned) and environmental issues are proving that *laissez-faire* capitalism, or leaving the market to operate in its own, is not the solution.

Moreover, Gibson (2011, 243), in his book "Wealth, Power, and the Crisis of Laissez-Faire Capitalism" was very critical of *laissez-faire* economics, too. He prescribed *laissez-faire* capitalism as an Anglo-American doctrine, which was dismissed very much in the 2008 financial crisis since



the causes of the crisis were seen as more of the non-intervention of the government in the economy, than vice versa; even though this was promised to be undertaken in the election of 2008 in the United States - since the people of US saw it as something necessary to be done as soon as possible to surpass the crisis. Also, Gibson (2011) stated that the Temporary National Economic Committee ultimately explained the causes of the Great Depression of the 1930s concerning the *laissez-faire* capitalism policies. According to Skousen (2016), John Maynard Keynes (whom he presents as unsympathetic to Adam Smith) with his ideas and policies, was a great attacker of *the laissez-faire* economic system, respectively the natural liberty system of Adam Smith, especially with his work known as "The End of Laissez-Faire" in 1926, i.e., three years before the Great Depression crisis started, which crisis helped Keynes extend his criticism and attack of *laissez-faire* capitalism system ultimately with his best-known book "The General Theory". Instead of *laissez-faire*, Keynes favored government interventions in the economy when necessary. One can argue that there is a point in the public choice theory of Buchanan and Tullock, but the preventive measures of interventions into the economy do not have to be narrowed only to the government; they might and should come from international initiatives as well, i.e., *laissez-faire* approach is not the solution.

So, based on the above-presented elaborations, it can be said that environmental issues and financial crises are the biggest arguments against *laissez-faire* capitalism, or *laissez-faire* economics, which economic system has been firmly questioned by the New Keynesian and Neo-Keynesian economists nowadays, such as Paul Krugman and Joseph E. Stiglitz (e.g., he calls *laissez-faire* economists "free-market fundamentalists"). Moreover, no doubt about it, ecological and post-Keynesian economists are arguing firmly, as well, against mainstream ideas of economists, or neoclassical economics views, which ultimately means against *laissez-faire* capitalism.

## CONCLUSION

As it was argued firmly in this paper, environmental issues (which term used in this publication includes especially pollution but also climate changes) and financial crises need to be surpassed by government interventions in the economy. Therefore, it might be said that *laissez-faire* capitalism or *laissez-faire* economics, a classical economic system with no government interventions, is dismissed with the respective environmental issues that have been accumulated for years and financial crises that have been repeated many times (the likes of Great Depression crisis in the 1930s and 2008 financial crisis). The crucial goal of this paper was to argue that dual crises, i.e., environmental issues and financial crises, are empirical proof that neoclassical (classical, liberal) economics, or precisely extensive *laissez-faire* economics, is not the proper system of economics. However, this does not mean that the authors of this article are asking for extreme leftwing measures on the economy, but for a mixed-economy system combined with a market economy of free competition and some interventions in facing environmental issues and financial crises instead of the *laissez-faire* doctrine. In other words, we recall that countries worldwide should not abandon the market economy with free competition. However, the *laissez-faire* paradigm and policies should not be implemented and practiced due to the immense challenges the world is currently facing, such as environmental issues and



financial crises. These challenges necessitate interventions in the economy that are essential and unavoidable.

Additionally, when comparing different financial systems and schools of thought in economics, it is important not to focus solely on the narrow aspect of economic growth measured by GDP growth for specific years. The externalities generated by such economic growth, including pollution and climate change (environmental issues), must be addressed to ensure the world's well-being. Introducing the Genuine Progress Indicator (GPI) as an additional concept alongside Gross Domestic Product (GDP) would be a valuable solution and a fitting complement to it. Furthermore, it can be argued that financial crises can be prevented or resolved more efficiently and with fewer consequences through timely interventions in the economy when necessary.

In conclusion, market actors, such as individuals and businesses, are far from being perfectly rational; therefore, government interventions (state interventions, international mechanisms initiatives, etc.) in facing environmental issues and financial crises are needed instead of leaving things alone (instead of *laissez-faire* economics). Indeed, the *laissez-faire* approach policy is widely regarded as the main catalyst and contributor to exacerbating the two crises addressed in this paper: environmental issues caused by anthropogenic pollutants and recurring financial crises. These crises serve as compelling evidence for the dismissal of such a doctrine. Given that both environmental issues and financial crises are global challenges in today's interconnected world, transcending national borders (particularly environmental issues such as pollution and climate change, but also financial crises in this era of globalization), they necessitate collaborative solutions involving governments, national institutions, and international mechanisms. As for the hypothesis raised at the beginning of this paper that *laissez-faire* capitalism (with no interventions into the economy) is not the solution to environmental issues and financial crises, it might be considered to be backed, based on the analysis of the literature review, interpretivism, description and the elaborations given in this paper.

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# COMPARATIVE PRACTICES OF THE BALKAN COUNTRIES IN THE FIGHT AGAINST CORRUPTION

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**Abstract:** *This paper focuses on the individual holders of public office or duty and the numerous past and present criminal cases related to corruption and abuse of power. By analyzing the penal policies of the courts in several regions (North Macedonia, Romania, Croatia, Montenegro, and Albania), as well as the imposed sanctions and court verdicts, this paper presented the fundamental characteristics of the criminal justice system's functioning in preventing such forms of crime. Through a comparative analysis of experiences, empirical research (case study), and an overview of the situation in multiple Balkan countries, the paper, as a key result, offered a comprehensive examination of the specific offenses outlined in the legislations of the countries under investigation and presented legal solutions derived from various Balkan nations. Finally, the paper concludes that corruption is a general problem in all the investigated countries and proposes possible solutions.*

**Keywords:** *Rule of Law; Abuse of Authority; Political Corruption; Criminal Offenses; Final Convictions*

## INTRODUCTION

International conventions serve as the foundation for a coordinated societal response against individuals involved in crimes related to abuse of power and corruption. However, the battle against corruption primarily occurs at the national level. States, driven by the need to uphold public authority and ensure adherence to the principles of the rule of law, actively oppose various forms and manifestations of corruption. To comprehensively address the criminal aspects of abuse of power, including the distortion of the rule of law, it is insufficient to limit our focus to theoretical and practical analyses of their occurrence, elements, and characteristics. It is also imperative to explore comparative law, briefly examining representative criminal acts of corruption within modern criminal justice systems. These crimes can manifest under various names, encompassing distinct contents, elements, characteristics, and penalties. Moreover, they can manifest in many forms, representing various phenomena within the realm of power exertion, including material and other abuses of authority that detrimentally impact individual and societal interests.

In theoretical terms, crimes can be categorized based on the object of protection into three main divisions: political acts, acts of corruption, and acts against the freedoms and rights of citizens. The first category involves the misuse of power by high-ranking state officials who benefit from material and legal immunity and bear political responsibility. As a result, they are expected to step down from their positions or face dismissal voluntarily. For instance, notable

examples include the cases of wiretapping political adversaries during the Watergate scandal in the United States, which ultimately resulted in the impeachment and subsequent resignation of President Nixon. In May 2019, Slovenia, the Republic of Croatia, and Austria made headlines for their acknowledgment of political interference in the media, resulting in the downfall of the Sebastian Kurz government. In North Macedonia, a notable case known as the “Big Ear” emerged in 2000, leading to the removal of a former Minister of Interior and a senior police officer in 2003.

Moreover, the revelation of illegally wiretapped conversations in 2015 exacerbated the political crisis and remained a matter of ongoing public concern. Instances of corrupt acts involving the abuse of power serve as illustrative examples where the target is the public authority itself, as perpetrators seek personal gain or benefit for themselves or others at the expense of public interests and budgetary funds for which public officials are accountable. The third form of abuse of power relates to offenses committed against fundamental freedoms and rights of citizens, such as unauthorized deprivation of liberty, exceeding police powers, and torture. In these cases, a clear, direct interpersonal relationship exists among the perpetrator, the official, and the victim, where the motive becomes less significant than violating the right to liberty itself. Such acts are often accompanied by neopatrimonialism, which serves as both a cause and a consequence contributing to the democratic deficit within society (Gjorshoski and Saliu 2018, 270).

From a scientific perspective, corrupt acts are highly relevant and have been researched extensively. Through the examination of committed crimes, it is possible to identify the most prevalent offenses. This empirical research focuses on presenting cases from the largest criminal court in the country, namely the Basic Court Skopje 1 Skopje. It entails an analysis of reported, accused, and convicted individuals holding positions of authority involved in corrupt criminal activities. Additionally, it examines the criminal policy implemented, specifically the sanctions imposed for offenses related to abuse of position, during 2012-2018. The primary objective of this research is to identify weaknesses within the system designed to safeguard against corrupt acts of abuse of authority within the framework of the rule of law.

Moreover, it aims to provide proposals for developing a new, more effective system that can prevent and repress such abuses. The research seeks tangible indicators of these acts' existence, dynamics, and structure. Furthermore, it aims to identify the underlying conditions facilitating their execution and propose new legal solutions.

## MACEDONIAN CRIMINAL LEGISLATION AND CASE LAW

### Amendments to the Criminal Code in 2018

In late 2018, two laws were swiftly adopted in response to requests from Members of Parliament (MPs) in the Assembly of the Republic of North Macedonia: the Law on Amnesty and the Law Amending the Criminal Code. According to Article 40 of the Criminal Code of the Republic of Macedonia, the court has the authority to either impose a penalty on the offender within the limits prescribed by law or apply a more lenient form of punishment in specific circumstances. Additionally, through the intervention outlined in paragraph 3 of Article 275 of

the Criminal Code, the lower threshold for imprisonment was reduced from five to four years, as confirmed by the Skopje Court of Appeal in 2019. Consequently, imposing a suspended sentence as an alternative punishment became possible. Analyzing the reasons for adopting the Law on Amnesty and the latest amendments to the Code, the hypothesis was confirmed that the holders of office, regardless of which political party they are supporters of, are privileged over other citizens in the country. In the "spirit" of political reconciliation, to secure a majority of votes on constitutional changes in the Assembly and the consensus on the Prespa Agreement - to avoid Greece's veto - North Macedonia became a member of NATO.

### New Offences in the Incrimination System

The necessity for introducing a new offense of obstruction of justice arises from prominent instances that have been publicly highlighted, wherein the investigative processes of specific criminal proceedings have been impeded. From a criminal law standpoint, the activities described in paragraph 1 of Article 368 of the Criminal Code involve deliberately preventing an individual from providing a statement or inducing them to provide a false statement through various means, including the use of force, bribery, obstruction, or any other form of influence. This provision addresses situations where individuals are coerced or manipulated to either provide inaccurate statements or refrain from providing any statement (Schultz 2012, 426) - *delicta manu propria*. The statement's content should be influenced by the correct decision *thema probandi*, not the value judgment (Manzini 2019, 838). The more complex forms in paragraphs 2, 3, and 4, where the enforcement agent may be only a person affected by the duty to give a testimony, witness, expert, translator, interpreter, and in para. 5 and para. 6, the offense of coercion against a judicial employee for subjugating a judge, public prosecutor, lawyer, or another official as a victim has been sublimated.

The new offense from Article 369 of the Criminal Code pertains to revealing the identity of a threatened or protected witness, an associate of justice, or a victim who appears as a witness. Its purpose is to provide measures for effective protection or limited provision of information, ensuring non-disclosure of identity, place of residence, and adherence to safety standards for the witness, as outlined in Article 24 of the Palermo Convention.

## CORRUPTION OFFENCES

### Abuse of Official Position and Authority

The term *abusus* in Latin (Sajo 1998, 38) means any unlawful behavior contrary to the constitution, laws, other legal regulations, or general acts. The criminal offense of abuse of official position and authority, as outlined in Article 353 of the Criminal Code, encompasses unlawful acts committed by officials to gain personal advantages for themselves or others, resulting in harm inflicted upon another individual. This offense manifests in various forms, the basic form being an abuse of an official position driven by self-centeredness. Accordingly, it can materialize in three distinct forms: abuse of official position or authority, exceeding the limits of official authority, and failure to perform official duties.



A particularly severe manifestation of abuse occurs when a perpetrator engages in actions to obtain significant financial gain, equivalent to five times the average monthly salaries in the country at the time of the offense. In such cases, the perpetrator assumes an official position, bearing a level of responsibility comparable to that of an individual in a managerial role within a company, legal entity, institution, or other organization. The term "official" is defined in international documents and specifically outlined in Article 122 of the Criminal Code of the Republic of Macedonia. The judicial practice emphasizes the proper exercise of authority following legal regulations. For illustrative purposes, a legal position (*sententia*) from a decision rendered by the Macedonian Criminal Court can be cited:

According to the conventional understanding, the offender of the crime assumes the role of an official, and with specific offenses, the term 'responsible' also comes into play. By combining these two transgressions, namely the act of abuse and the violation itself, the significance of promoting lawful and conscientious management of the state budget, public funds, and other government resources is heightened (KOK 59, 2018).

In the context of culpability, the presence of intent is essential. The perpetrator must be aware that they are utilizing their position or authority to seek personal or third-party benefits or inflict harm upon another individual, thereby infringing upon their rights. To exemplify this perspective, we can refer to a statement from the Decision of the Supreme Court of the Republic of (North) Macedonia, case reference KVP 234/14, dated 15th July 2016:

Based on the court's evaluation, the evidence presented does not conclusively demonstrate that the defendants have fulfilled the subjective element of the offense in question. Specifically, the offense of Abuse of Official Position and Authority requires a deliberate act, which in this instance entails the direct intention of the perpetrator to secure personal or third-party benefits or to cause harm to another individual. The evidence presented throughout the proceedings does not establish that the defendants acted with the intent to undermine the budget of the Republic of (North) Macedonia.

### **Traits of Incrimination: Receiving Bribes and Benefits for Unlawful Influence**

Based on their characteristics, the two offenses described below embody a form of corruption within the service, specifically involving the receipt of bribes and benefits for unlawful influence. Accepting a bribe constitutes an offense. The act of incrimination involves unlawful intervention in the execution or non-execution of official tasks, actions, income, benefits, or any other form of gain. This offense can be defined as a criminal act that entails unauthorized mediation or refraining from carrying out official duties. Since a benefit is either mediated and received or not in relation to official activities, three forms of offense are outlined: mediation in the execution of unlawful official work, mediation in the performance of illegal official work, and

mediation in the execution of illegal official work through the receipt of rewards or other benefits.

As an illustration, the case in question pertains to a comprehensive study conducted within the jurisdiction of the specialized court department responsible for adjudicating criminal offenses related to organized crime and corruption at the Basic Criminal Court Skopje 1:

According to the relevant legal provision, specifically Article 359, paragraph 2 of the Criminal Code, the enforcement action refers to the exertion of influence in the execution of an official action that ought not to have been carried out or the failure to execute an official action that should have been undertaken. In this specific instance, there exists no dispute that the defendant, Mr. N., utilizing his genuine authority as the Prime Minister of the Republic of Macedonia, exerted influence on an official action that should not have been performed (KOK 59 2018).

The magnitude of the benefit holds no significance in establishing the existence of the act, as evidenced by a precedent from another case (KOK 16, 2015). The perpetrator of this offense can be any official, requiring intent, and the imposition of a security measure is obligatory, as outlined in Article 110 of the Criminal Code. Furthermore, according to Tupanceski (2015, 66), any benefit and gain from the offense must be confiscated. It is worth noting that the public has extensively commented that the announced sale of the vehicle never materialized, yet it continues to be utilized by the government.

## **Judicial Practice**

The initial case under scrutiny is the definitive Decision KOK 59/17 dated 23.05.2018 (Court of Appeals Skopje, No. 23, 2018), which involves the following criminal offenses: Receiving a benefit for unlawful influence as stipulated in Article 359, paragraph 2, and the abuse of official position and authority under paragraph 5 of Article 353 of the Criminal Code (Constitutional Court of the Republic of Macedonia, No. 138, 2007). The selection of this case for examination stems from both its scientific relevance, as it serves as an illustrative example of the misuse of power by individuals holding high political positions, and its significance within the judicial practice due to its foundation on an indictment issued by the Special Public Prosecutor's Office, established by the Law on Public Prosecution to handle offenses associated with and arising from the illegal interception of communications. Within the verdict's explanation, the factual context is established by using unlawfully intercepted conversations and other substantial evidence, encompassing a meticulous depiction of the actions encompassing elements of the offense. In this regard, it is noteworthy to highlight a relevant statement from the Macedonian Criminal Court:

The court places significant emphasis on the privileged position of holding a public office, particularly that of the Prime Minister of the Republic of Macedonia, highlighting the honor and obligation accompanying such a role. It sternly asserts that no individual, especially those in public office and, most importantly, the Prime Minister, should

underestimate or belittle the citizens, as was done by the accused, Mr. N. G. In a manner deemed unlawful, he acquired a 'Mercedes S 600 Guard' luxury vehicle for himself, failing to inform the citizens about it and even going as far as keeping it undisclosed until after the local elections.

The entire course of the criminal proceedings garnered significant public attention, with the media providing detailed coverage of each trial. As for the outcome of the proceedings, public opinions were divided. Some perceived it as a political vendetta, while others acknowledged the authenticity of the illegally wiretapped evidence while raising concerns about potential manipulation or tampering. On the other hand, some individuals believed that justice was indeed served. In this context, the court reasserted its independence and autonomy within a democratic state governed by the principles of the rule of law. It upheld the values of ensuring the rule of law, non-selective justice, conducting efficient and impartial trials, safeguarding defendants' human rights, and adhering to legal principles (Naskovska 2020, 141).

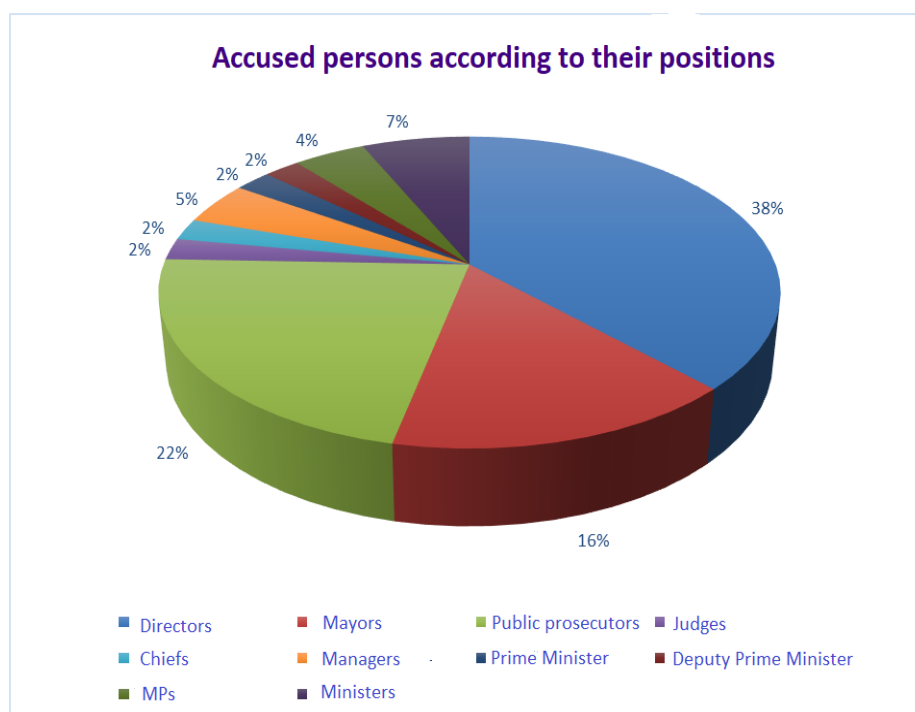
The second case pertains to the Supreme Court of the Republic of Macedonia's Decision, specifically KVP 234/14 dated 15.07.2016, which addresses the abuse of official position and authority under Article 353, paragraph 3 of the Criminal Code. The individuals implicated in this case include the former Minister of Defense (MoD), the Chief of the General Staff of the National Army of the Republic of Macedonia, and other employees of the Ministry of Defense. The legal analysis was conducted due to the annulment of the initial verdict, K No. 694/10 dated 01.07.2013, and the subsequent appellate Decision from the Court of Appeals Skopje, No. 181/14 dated 30.06.2014. Following the retrial, the decision's official execution of the imprisonment sentence was postponed. Ultimately, the Final Decision, K No. 1978/16 dated 22.11.2019, rejected the case due to the expiration of the statute of limitations. According to the lower courts, the defendants violated the public procurement procedure within the Ministry of Defense (MoD) by acquiring an excessive number of spare parts without genuine necessity. In the Decision issued by the Court of Appeals Skopje, No. 181/14, dated 30.06.2014, the initial verdict imposing a three-year prison sentence on VB was reduced to two years. As previously mentioned in the description of the offense under Article 353 of the Criminal Code, the legal standpoint pertains to the absence of specified subjective intent and the potential uncertainty surrounding the harm caused to the national budget, which "simultaneously casts doubt on their criminal responsibility." The Supreme Court offers legal guidance regarding the exclusion of criminal liability, affirming that "not only is the presence of intent in the defendants questionable, but also whether the budget of the Republic of Macedonia was harmed, given the undeniable fact that the purchased spare parts are properly stored, in functional condition, and possess intrinsic value, which implies that they can still be sold or exchanged today" (Supreme Court No. 118/2016).

### **An Analysis of Official Statistical Data on Criminal Offenses**

Based on the comprehensive review of statistical data on official offenses within the largest Criminal Court (CC) from 01.01.2012 to 31.12.2018, 31 cases were processed involving 55 individuals holding public office. Among the 31 cases, 22 (67%) were related to criminal offenses

under Article 353 of the CC. The remaining cases covered a range of offenses, including a single instance of negligent work in the service (Article 353 of the Criminal Code), criminal association (Article 394 of the Criminal Code), accepting a bribe (Article 357 of the Criminal Code), receiving a reward for illegal influence (Article 359 of the CC), receiving a bribe in connection with the offense of receiving a reward for illegal influence (Article 357 of the Criminal Code in conjunction with Article 359 of the Criminal Code), and one case involving Article 353 of the CC in connection with Article 359 of the CC. A case involving the forging of an official document (Article 361 of the Criminal Code) was also identified. In contrast, other cases included violence-related charges (Article 386 of the CC) and did not apply to election fraud (Article 165 of the CC). Of 31 cases, 20 were resolved, 65% or 2/3 of the total received.

Furthermore, there are 11 pending cases involving 19 individuals holding public office, with 9 of these cases being charges under Article 353 of the CC. Concerning the sentences imposed for the criminal offenses of abuse of official position and authority, suspended sentences were given to 5 individuals, while 2 received imprisonment sentences. The data collected by the largest Criminal Court about persons holding public office reveals that their records are monitored based on their respective roles. During the period from 01.01.2012 to 31.12.2018, it is evident that the majority of these individuals (17 in total) served as directors, followed by 10 prosecutors, 7 mayors, 3 ministers, 2 MPs, one judge, one chief, two managers, one prime minister, and one deputy prime minister (Graph 1).



**Graph 1: Accused Person According to their Positions**  
(Source: Authors' depiction)

## COMPARATIVE MODELS

Widespread discontent with the prevailing permanent penal corrections and the struggle to effectively address organized crime's menace has necessitated penal legislation reforms across numerous countries. Various models have been devised to introduce specialized laws aimed at combating organized crime, with efforts focused on finding solutions within the scope of general criminal legislation. Additionally, a combined approach has been proposed, encompassing innovations in criminal legislation and implementing special laws targeting issues such as corruption, money laundering, and more.

### Romania

The Constitution of Romania, which draws inspiration from the Constitution of the Fifth French Republic, was ratified through a national referendum on December 8, 1991. In 2003, significant amendments were introduced to the constitution to align with the European legal framework and establish a clear separation of powers among the legislative, executive, and judicial branches. Romania operates under a pluralistic political system and functions as a semi-presidential republic. Having been a member of the European Union for over a decade, Romania has also become a part of NATO.

### *Romanian Criminal Law*

Within the Romanian Criminal Code, various provisions address anti-corruption offenses. Notably, if individuals report cases of active bribery to law enforcement authorities, they may be eligible for sentence reduction or mitigation. Additionally, the law protects associates and witnesses involved in judicial proceedings (Labovic 2006, 230).

In May 2000, the Law on Prevention, Detection, and Punishment of Corruption (also known as the Law on Prevention, Detection, and Punishment of Acts of Corruption) was enacted. This law established a specialized anti-corruption body, the National Department for Combating Corruption and Organized Crime, which operates within the Office of the Attorney General and is affiliated with the Supreme Court of Justice. The department maintains a centralized database containing information on all institutions and financial experts under the jurisdiction of specialized prosecutors. Furthermore, the National Money Laundering Prevention and Control Service has the legal authority to monitor transactions exceeding 10,000 Euros and take immediate action to halt such transactions within 24 hours, possibly extending the timeframe to up to 3 days. However, if this measure is prolonged, the service must compensate for damages (Labovic 2006, 230).

### *National Anti-Corruption and Organized Crime Department Cases*

From 2013 to 2018, Laura Kovesi served as the main prosecutor in Romania. She made accusations against former ministers, media moguls, judges, prosecutors, and assistants to former President Traian Basescu, a former tourism minister, and a current parliamentarian, with

allegations of close ties to the incumbent Prime Minister Viktor Ponta. According to the annual 2017 report of the Special Prosecutor's Office of Romania, approximately 1,000 officials, including three ministers, six lawmakers, and a former parliament speaker, have faced corruption charges in court. The Directorate has initiated prosecutions against a total of 713 officials, which includes 28 mayors, 38 directors of public institutions, and one senator. The report highlighted the prevalence of corruption in Romania, such as hospital directors accepting millions of Euros in bribes and increased abuses of EU funds. In February 2018, Justice Minister Toder demanded the removal of prosecutor Kovesi, citing the alleged exceeding of her powers and the damage caused to the country's international reputation. The minister's request sparked significant public outcry, leading to thousands of protesters taking to the streets and an online petition signed by 108,000 citizens, all expressing their opposition to the perceived abuse of power. In April 2018, President Klaus Iohannis refused to remove Kovesi from her position. However, the Constitutional Court ultimately enforced her dismissal, and on July 9, 2018, President Iohannis signed a decree officially removing Kovesi from her role as Chief Prosecutor (Pravdiko 2018). The High Judicial Council deemed that her removal was not necessary or justified.

## **Croatia**

The Republic of Croatia, which declared its independence in 1991, is constitutionally established as a parliamentary democracy and oriented towards a market-based economy. It holds membership in numerous international organizations and is a member of NATO. In June 2013, Croatia became a full member of the European Union.

### ***Criminal Code of the Republic of Croatia***

The Criminal Code of the Republic of Croatia (CCRC) encompasses criminal offenses related to the abuse of official position, including offenses against official duty. Individuals designated as enforcement agents are regarded as officials, responsible for carrying out their specialized duties and exercising their authority. Individuals who engage in illegal actions that compromise integrity, promote corruption, or hinder the functioning of public services are also considered officials. The CCRC defines offenses such as abuse of official position and authority, abuse of exercise of state power, illegal mediation, accepting bribes, and giving bribes. It is worth noting that the legal definition of the offense of abuse of official position and authority under Article 337 of the CCRC corresponds entirely to the description of this offense outlined in Article 353 of the Criminal Code of the Republic of North Macedonia. Article 338 of the Criminal Code provides a legal definition for the offense of abuse in the performance of duties of state power. This offense is committed by officials or individuals holding positions of responsibility within the state government, local self-government units, and administrations, as well as those individuals within legal entities owned or predominantly owned by the Republic of Croatia or local self-government units. These individuals, aiming to obtain personal financial gain or benefit the private activities of themselves or their family members, exploit their positions or authorities in bidding, giving, taking over, or negotiating works. Perpetrators of this offense can face imprisonment ranging from six months to five years (CCRC, Article 338).



### ***Case Law on Abuse of Power in the Republic of Croatia***

Multiple lawsuits were initiated against the former prime minister of Croatia. The court in Zagreb has found the former Prime Minister, I. S., guilty in the “Planinska” case and sentenced him to four and a half years of imprisonment for accepting a bribe of 2.2 million EUR. Since the sentence falls below the threshold of five years, the former prime minister will remain free until the verdict becomes final. However, he must reimburse the budget with two million Euros within 15 days of the verdict’s enforcement.

Upon leaving the court, I. S. firmly asserted that the recent and previous verdicts relied solely on false testimonies. He stated: “There is no evidence against me, except for the false witnesses presented by USKOK (Office for Suppression of Corruption and Organized Crime). I firmly believe the evidence and facts we presented during the closing statements hold more weight”. I. S. expressed his hope that the higher courts would reach a different decision. In addition to I. S., the court found MM and S. F. guilty as well. S. F. received a one-year prison sentence, which was substituted with community service. M. M. also faced a guilty verdict. This verdict follows a four-year-long trial. While I. S. vehemently denied the allegations and refuted USKOK’s claims of illegal monetary gains from the resale of apartments on Planinska Street in Zagreb, the second defendant, S. F., pleaded guilty. During the investigation, S. F. confirmed that the building was sold at a higher price, and he handed over 2.2 million Euros in cash to I. S. at his residence in 2009.

In criminal jurisprudence, notable significance lies in the judgments rendered by the Supreme Court of the Republic of Croatia and the County Courts. These rulings specifically pertain to cases involving executive and local government officials charged with criminal offenses related to their official duties, particularly the abuse of power during the exercise of state authority, as stipulated in Article 338 of the Criminal Code (Criminal Code of the Republic of Croatia, Article 338).

### **Montenegro**

Montenegro is a democratic state, emphasizing ecological values and social justice as cornerstones of an independent republic. Notably, what sets Montenegro apart from other countries in the region is its distinction as the first to adopt the Euro as its official currency. Montenegro is classified as a developed country according to the Human Development Index. It holds membership in various international organizations, including the UN, OSCE, and Council of Europe. Montenegro has also applied for EU membership and officially became a member of NATO on 5 June 2017.

### ***The Criminal Code of Montenegro***

The adoption of the Criminal Code of Montenegro in 2003 held great significance not only in terms of criminal policy but also carried political weight. It marked a codified approach to addressing this matter in Montenegro, which had not been done since the Second World War. While a partial amendment was made in 2006, substantial and significant amendments were



introduced in 2010 through the Law on Amendments to the Criminal Code of Montenegro. These amendments brought numerous innovations and new incriminations, primarily driven by the country's commitment to international conventions (Criminal Code of Montenegro 2003).

The introduction of the category of indirect executor in the general part of the Criminal Code of Montenegro is a notable novelty. It pertains to situations where another person is coerced through force or threat. While this analogy is justified when the offense is committed under the influence of force, it becomes artificial in the case of coercion. In coercion, the possibility of decision-making is not excluded for the perpetrator, allowing the person applying coercion to be held liable as either the perpetrator of coercion or as an instigator of an act committed under duress. Regarding the institute of prolonged offense, an important aspect of case law is the existence of three necessary conditions as stipulated by the Montenegrin Criminal Code. These conditions include commissioning multiple identical or similar offenses, having the same perpetrator, and establishing a time connection. However, this does not imply that the fundamental problem concerning prolonged offenses and different actions in court practice has been fully resolved. Article 42, paragraph 2 of the Criminal Code of Montenegro narrows the application of prolonged criminal offenses by mandating the presence of identical damage as a prerequisite.

Moreover, due to offenses being predominantly directed against persons and personal rights, including property as a personal right, multiple thefts committed against different individuals are considered prolonged offenses. There may be varying interpretations and debates surrounding assessing the nature of committed acts and their potential merging, particularly in the application of paragraph 3 of Article 42 of the Criminal Code of Montenegro. This paragraph states that acts incapable of merging into a single offense may not constitute a prolonged criminal offense (Lazarevic et al. 2010, 37).

### *Judgment of the High Court*

The verdict is directed against the accused SM, who is identified as the founder of the criminal group and the person responsible for recruiting its members, either personally or through other members of the group. Among these members are defendants R.L., M.D., S.M., SD, OI, GF, SS, AA, MD, LM, and SB, as well as the legal entities PI DOO. B, BI DOO. B, C DOO. B, and CG DOO. B. All members possessed the ability to comprehend the implications of their actions, exercise control over their behaviors, and be aware of the illegal gains involved. The operation of this criminal group was meticulously planned over an extended period, with specific rules, internal control mechanisms, and a strong sense of discipline in place. The criminal group operated in support of the business structure led by General B, where individual members held official positions within the business entities. Specific tasks and roles were assigned to certain group members, aiming to execute a wide range of offenses and exploit their positions and Municipality B's structure. Some members held positions of authority, and each member had a designated role, all of whom agreed to the criminal plan. Their actions involved abusing their official positions and engaging in fraudulent activities. The defendants, MD, BAA, GF, LM, OI, and SS, assumed positions of authority within legal entities such as PI DOO. B, BI DOO. B, C DOO. B, and GC DOO. B. They actively encouraged, facilitated, and created favorable conditions

for other defendants to perform their assigned roles to further the criminal plan. Moreover, they collaborated with defendant RL, enabling them to take official actions that were not in the best interest of their official positions. This included entering into agreements on behalf of Municipality B with other legal entities, despite those agreements being detrimental to the municipality's interests (Podgorica KV 72, 2016).

Defendant MD willingly exploited his official position by engaging in official actions that did not align with the best interests of his official duty. In particular, he initiated announcing public procurement tenders for construction works on behalf of Municipality B. Additionally, he certified both temporary and final construction situations on behalf of the municipality, thereby approving the transfer of funds from the account of Municipality B to the account of the legal entity GC DOO. from B. Similarly, defendant SM knowingly abused his official procedures and carried out official actions that were not in the best interest of Municipality B. Furthermore, defendant OI agreed to establish a legal entity within Montenegro. This entity obtained a commercial bank loan and used the funds to acquire real estate.

The remaining criminal group members willingly agreed that the money obtained should not be returned, thus deceiving multiple individuals to achieve illegal gains for themselves and the designated legal entity. They played various roles within the organization, including as assistants, instigators, and executive directors of the legal entity, participating in prolonged criminal activities and the commission of criminal offenses. Defendant SM is specifically charged under multiple articles of the Criminal Code of Montenegro, including Article 4 paragraph 2, Article 32, Article 36, Article 39, Article 42, Article 45 item 3, and Article 46 paragraph 1 item 3. The Law on Criminal Procedure states that for the prolonged criminal offense of Abuse of Official Position through incitement, as outlined in Article 416 paragraph 3 in conjunction with paragraph 1, along with Articles 24 and 49 of the CC CG, committed in an organized manner and after admitting guilt as per the final Decision KVS No. 72/16 dated 01.09.2016, which approves the agreement for admission of guilt CTs Item 1a, 1b, 1c, 1e, the prescribed sentence is imprisonment for one year (Podgorica KV 72, 2016).

For the prolonged criminal offense of fraud, as stated in Article 244 in conjunction with paragraph 1 and Article 49 of the CC CG, committed in an organized manner for the activities described in item 1, the prescribed punishment is a prison sentence of one year. Additionally, for the prolonged criminal offense of abuse of office committed in an organized manner for the four specified points, the imposed penalty is a fine of 25,000 Euros. Furthermore, for the prolonged act of fraud, as outlined in Article 244 in conjunction with paragraph 1 and Article 49 of the CC CG, committed in an organized manner for the works described in item 1, the penalty is a fine of 25,000 Euros. In addition to the fine, the defendant is sentenced to a single prison term of one year and 10 months, which will be served once the verdict becomes final. Moreover, the defendant must pay a single fine of 50,000.00 Euros to the CG budget within three months. If the fine is not paid after the verdict becomes final, it will be converted into days of imprisonment following the rules specified in the Criminal Code (Podgorica KV 72, 2016).

## Albania

Albania is a parliamentary constitutional republic and a sovereign state. Its politics operate within a framework outlined in the constitution, wherein the president serves as the head of state and the prime minister assumes the role of the head of government. The government's structure is founded upon the principles of the separation and balancing of powers among the legislative, judiciary, and executive branches. Albania has actively participated in NATO and consistently upheld its position as a stability factor while remaining a staunch ally of the United States and the European Union (EU) in the Balkan region.

### *The Criminal Code of Albania and Case Law on Abuse of Power*

After reorganizing the judiciary and presenting the new judicial map, the criminal jurisdiction in Albania has undergone significant changes. There are thirteen first-instance courts with general jurisdiction handling criminal and civil cases. Additionally, there is the Special Court of First Instance for Corruption and Organized Crime, which specifically handles cases related to corruption, organized crime, and high-ranking officials. These high-ranking officials include the president of the republic, the speaker of the parliament, the prime minister, the ministers, the deputy ministers, the Members of Parliament (MPs), the mayors, the general attorney, the high inspector of justice, the judges of the Supreme Court and the Constitutional Court, as well as the members of the High Judicial Council and the High Prosecutorial Council. Furthermore, this court also has jurisdiction over the chairpersons of central or independent institutions defined in the constitution or law and former officials mentioned earlier (as stated in Articles 2 and 135 of the Constitution of the Republic of Albania).

In Albania, two key appellate courts handle different types of cases. The Court of Appeals for General Jurisdiction deals with appeals against decisions made by the first-instance courts with general jurisdiction in civil and criminal matters. Similarly, the Special Court of Appeals for Corruption and Organized Crime operates as an appellate court, specifically for corruption and organized crime cases. It has the same jurisdiction as the Special Court of First Instance for Corruption and Organized Crime but in the second instance. Furthermore, the Supreme Court holds authority over civil, administrative, and criminal cases regarding points of law. However, the Supreme Court changed its jurisdiction after the constitutional amendments were introduced in 2016. This shift occurred due to a lack of public trust in the Supreme Court's ability to address such matters effectively. Consequently, these specific cases were transferred to the newly established special courts.

The decision regarding the former Minister of Education is important in Albanian jurisprudence because it departs from the previous practice of the Supreme Court and presents a formalistic interpretation of *actus reus* of the offense "abuse of power". This decision has been criticized widely (Gjykata E Lartekolegji Penal 2016). Concerning the criminal case involving the ambassador from Albania to the USA, the decision outlined the following:

The definition of the crime of abuse of official position, as stipulated in Article 248 of the Criminal Code, is objectively clear. It entails the intentional execution or omission of actions by a public official entrusted

with specific responsibilities, whereby these actions or lack thereof deviate from the regular fulfillment of their duties (Vendim Ne Emer Te Republikes 2016).

Furthermore, in addition to the points mentioned above, these characteristics are further supported by identifying a causal connection between these illicit actions or omissions and the resulting significant consequences. It is evident that the specific act or omission, in this particular case, is deemed unlawful, as it is perpetrated by the responsible official who, by exploiting their position, engages in actions that contradict their duty. The evidence gathered during the judicial examination substantiates that the defendant F.T., from April 20, 2001, to May 31, 2005, fulfilled the role of the Ambassador of Albania to the United States. The provisions of Law No. 9095, issued on July 3, 2003, "On the Foreign Service of Albania", particularly Articles 16, 23, and 40, reveal that the ambassador is not obligated to verify or maintain documentation related to financial expenditures. Nevertheless, no evidence is available to substantiate that the defendant, apart from fulfilling the role of an ambassador, also assumed the responsibilities of the embassy's financial officer or was entrusted with such a role. As an ambassador, he holds a political position with clearly defined duties outlined in the law above. Following this law and Law No. 6942, dated 25 December 1984, "On the Administration, Storage, Documenting, and Circulation of Material and Cash", or under Article 9 of Law No. 7661, dated 19 January 1993, "On Accounting", the tasks related to expenses and the accompanying documentation have been designated for a dedicated finance staff (Vendim Ne Emer Te Republikes 2010).

Although in the trial, it has not become clear whether it is effective economic damage or actions that have damaged the interests of the state in terms of the normal functioning of the Albanian Embassy in the US, the Criminal Chamber of the High Court considers: "Between the actions of the trial and the alleged consequence there is no causal link. Because of the lack of this causal link between the defendant's actions and the established consequence, one of the elements of the criminal offense of abuse of office is missing" (Vendim Ne Emer Te Republikes 2010).

Finally, the last subject concerns local government officials. For illustration, we provide the following final judgment of the highest court instance:

According to Law No. 8652, dated 31.07.2000, 'On the Organization and Functioning of Local Government' Article 32 establishes that it is within the competence of the municipal council to approve the alienation or grant the use of properties to third parties. There is no evidence that by Decision No. 62, dated 09.12.2004, the municipal council should have approved the alienation of the state plot included in the municipality's territory (Vendim Ne Emer Te Republikes 2010).

It has also not resulted that the municipal council delegated the power of alienation to the mayor, as provided by Article 32 Section N of Law No. 8652, dated 31.07.2000. Likewise, Law No. 7080, dated 27.07.1995, Article 3, provides that:

Until the physical compensation of former owners is completed, the transfer of free plots from state property to private property shall only be

made in the following cases: a) for the construction of dwellings, in order to free them for the former owners, as well as for the homeless, built by the Housing Entity or other persons; b) by decision of the Council of Ministers, for sale, for very important investments for the country (Vendim Ne Emer Te Republikes 2010).

The defendants have acted in violation of the aforementioned legal provisions, thereby causing harm to the lawful interests of the state concerning the proper functioning of its institutions and entities. This is further substantiated by the decision rendered by the Supreme Court of Albania, which asserts:

Following Article 248 of the Criminal Code, several conditions must be met for a criminal offense to be classified as abuse of office. These include the intentional execution or omission of actions that deviate from the law's requirements and represent a failure on the part of an individual carrying out public functions to fulfill their duties properly. Furthermore, these actions or failures to act should result in unjust harm to the legitimate interests of the state or its citizens. It is important to note that this offense applies to individuals in positions of special authority rather than to any person fulfilling a specific duty (Vendim Ne Emer Te Republikes 2010).

The Criminal Chamber of the High Court has deemed the reasoning and interpretation provided by the Gjirokastra district court valid. This interpretation highlights that individuals participating in the mandate verification commission are not considered persons exercising public functions, as outlined in Law No. 8652, issued on 31 July 2000, titled "On Organization and Functioning of Local Government". Any detrimental consequences resulting from the activities of a body should directly stem from actions or legally binding acts carried out within the scope of their functions. The district court has appropriately concluded that the decision made by the municipal council mandates' commission does not yield consequences. Rather, it serves as a guiding decision for the municipal council in approving the mandates of its members (Vendim Ne Emer Te Republikes 2010).

## CONCLUSION

Based on the case law in Montenegro, Croatia, and Albania, it can be inferred that the most prevalent offense in the region is the abuse of office and similar offenses. In the Criminal Code of Croatia, the offense of abuse in the performance of duties of state power is specifically addressed under Article 338, which was introduced as a separate provision. In our country, the accusatory model implemented in criminal procedure grants the public prosecutor's office the independent authority to decide whether to initiate an investigation. In Croatia, the court plays a significant role in scrutinizing the necessity of initiating an investigation, mainly due to the ongoing collection of evidence and the importance of judicial oversight in opening the

investigation. Moreover, the Criminal Code of Albania specifically includes a criminal offense within the category of acts against the official position.

The judicial practice in Montenegro demonstrates the efficacy of law enforcement agencies, as many court proceedings are resolved through agreements. However, following criminal procedure laws, the court can consider agreements and impose sentences such as imprisonment, fines, alternative measures, and confiscation of property and illicit gains. Additionally, the court has the power to order the seizure of assets and impose reparation obligations on defendants for their unlawfully obtained gains following the finalization of a decision.

Political corruption represents a genuine and socially detrimental phenomenon that can be examined from various perspectives, including social, economic, and legal dimensions. Its fundamental impact lies in the threat it poses to the very concept of the rule of law and the erosion of citizens' trust in the institutional framework. Political accountability is one of the most effective means to control the exercise of power.

Scientific research on corruption cases substantiates the hypothesis put forward in this paper, which asserts that not only Balkan non-EU Member States but also Balkan EU Member States witness instances where public officials, while in power, engage in misconduct to pursue personal interests at the expense of the state's public interest. Consequently, the rule of law must establish its robust defense system by incorporating independent and effective protective mechanisms.

Based on the information presented, the following conclusions can be drawn:

- Enhance parliamentary oversight over the executive branch by effectively utilizing mechanisms available to the Assembly, such as interpellations, inquiry commissions, and monitoring the implementation of laws.
- Urgently undertake the codification of criminal legislation to ensure its coherence and consistency.
- Bolster the personnel capabilities, financial autonomy, and technical infrastructure of the judiciary and other pertinent institutions to enable them to combat serious crimes, abuses, and corruption effectively.

In conclusion, the implementation of these measures will contribute to the strengthening of governance, the promotion of transparency, and the preservation of the rule of law. By implementing the suggested measures, it is anticipated that a significant impact will be made in preventing and combating the crime of abuse of power. Through adherence to legally prescribed procedures and the adoption of responsible and lawful conduct by individuals occupying public positions, the rule of law will be upheld within the institutional framework, promoting democratic values that are essential for the development of the legal system in the Republic of North Macedonia and the region.

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